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UNIVERSITY OF ALBERTA

The State and Chartered Monopolies:
The Hudson's Bay Company, c. 1740-1754

by

Donna Karen Beaudin

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND
RESEARCH IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR
THE DEGREE OF MASTER OF ARTS

DEPARTMENT OF HISTORY

EDMONTON, ALBERTA

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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research, for acceptance, a thesis entitled THE STATE AND CHARTERED MONOPOLIES: THE HUDSON'S BAY COMPANY, C. 1740-1754 submitted by DONNA KAREN BEAUDIN in partial fulfilment of the requirements for the degree of MASTER OF ARTS.

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ABSTRACT

The relationship between a national state and any privileged organization can, and has been readily, viewed in a distorted manner, while the principals involved have tended to be reticent to have clear and straight-forward information disseminated. Such indeed was true of the British government and the Hudson's Bay Company in the mid-eighteenth century with regard to perceptions of the Crown's prerogative power, British foreign trade policy, and comprehension of the philosophy and practice of monopoly privileges, and these relationships were challenged seriously for the first time in the late 1740s. This study analyzes historians' interpretations and contemporaries' perceptions of these dynamics.

Opponents of the Hudson's Bay Company, and chartered monopolies in general, levied a multi-faceted attack on both the Company and the state, including the Crown, which incorporated innovative tactics like combining pamphlet debate with an organized, thorough petition movement. In so doing, these opponents demonstrated their beliefs concerning trade, ideas of empire and liberty, and the pre-eminence of Parliament within the post-1688 constitution. Equally innovative was the Company's approach to defence of its privileges by appealing directly to individual parliamentarians. And while historians have correctly interpreted the constitutional balance in the mid-eighteenth century to have been still in flux, a number of contemporaries

firmly believed, and argued, that the transition was completed. Lastly, not all considerations of chartered monopolies, like the Hudson's Bay Company, need reach only negative conclusions. Contemporary literature suggests there was also a perception that these chartered companies served both the needs and interests of Great Britain and, indirectly, individual British subjects.

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CHAPTER ONE

INTRODUCTION

The study of British history in the period 1714-1760 has focussed, in the main, on the rise and fall of Robert Walpole and his administration and the spectre of Jacobitism. Such a focus has produced a picture of a period characterized by stability and even stagnation.[1] The few forays that historians have made into this period have shown four decades of political stability, economic confidence, and a constitutional balance that was still very much in flux.

By focussing on the relationship between the British state and chartered monopolies and, in particular, the perceptions of which were held by both critics and advocates, this study attempts to show the beliefs and interpretations of parliamentarians, merchants and businessmen, and even some political and economic theorists, with regard to this matter. An investigation of this sort, were it to concern itself with all of the chartered monopolies in existence during the period, would be daunting, to say the least, and constantly in danger of losing its focus. This thesis will, therefore, examine the above-mentioned relationship through a case study of the Hudson's Bay Company, circa 1740-1754, while making occasional references to other British trading companies that were operating during this period.

Three aspects of the Hudson's Bay Company and its monopoly will be considered in the chapters that follow. In the second chapter, the perceived legality of the Hudson's Bay Company's charter will be examined, with the intent of answering the questions of what was believed to make a chartered monopoly illegal and did the Crown still have the legitimate authority, following the Glorious Revolution, to create such companies, or did sovereignty now rest solely in Parliament?[2]

The effects that company-managed foreign trade were believed to have on Britain's national economy will be considered in the third chapter. There were political divisions in general debate on this matter which also existed in the extra-parliamentary debates that surrounded the Hudson's Bay Company at mid-century. As well as discussing the factors of manufacturing, distribution, and consumption of goods, the perceived impact of chartered monopolies on the trade-navigation relationship will demonstrate the confidence and optimism of Britain's merchants.

The need for, and perceived role of, chartered trading companies is examined in the fourth chapter, as are some of the techniques that were employed by opponents of the Hudson's Bay Company in attempts to have it relieved of its charter. From this investigation the sophistication of parliamentarians' policies, and monopoly opponents' tactics, will be able to be assessed. Further, study of the Hudson's Bay Company at mid-century provides an excellent forum for examination of larger constitutional issues, such as the emerging relationship between Parliament and the Crown, legitimate and acceptable use of the royal prerogative, and the effects of recent limitations on the Crown.

By examining some of the parliamentary and popular perceptions that were held of the Hudson's Bay Company in the mid-eighteenth century, it is hoped that this study will increase historians' understanding of the eighteenth century prior to 1760, and focus attention on other chartered monopolies besides the East India Company. In the secondary literature which surveys this period, neither the Hudson's Bay Company nor perceptions of the state and its chartered monopolies have been addressed.[3] The emphasis has traditionally been on the activities of the East India Company alone, of all the chartered trading companies, with only the briefest of references to the other companies trading during this century.

At this point, it is necessary to make a few comments regarding the sources used for this study, spelling, and dates. The considerable body of secondary literature concerning the Hudson's Bay Company has, to date, paid minimal attention to the fact that the Company was British in origin and played a significant role in the constitutional and legal developments of that state. Attention has been focussed, some would argue quite naturally, on the part played by the Company in the history and development of Canada. Monograph-length considerations of the Company by British historians of the modern period are difficult to locate. Early histories of the Company, such as Beckles Willson's The Great Company, George Bryce's The Remarkable History of the Hudson's Bay Company, and Sir William Schooling's Company-sponsored work are all whiggish studies, emphasizing readable and exciting narrative over analysis.[4] Revisionist works on the Company, such as Douglas Mackay's The Honourable Company, E.E. Rich's History of the Hudson's Bay Company 1670-1870, and the articles by Glyndwr Williams, are predominantly a post-World War II phenomenon.[5] General studies of chartered monopolies are also few in number. In comparison, there is a considerable quantity of archival and primary source material available, particularly pamphlet and petition literature, as well as some official documents, that have been used for this study.

Spelling in quotations of eighteenth century material has been modernized, but original punctuation, capitalization, and syntax have been retained.

Since the calendar used in Great Britain was not reformed, or modernized, until 1752, all dates prior to that year are given in Old Style but the year is assumed to have begun on 1 January instead of 25 March.

ENDNOTES

1. For discussion on the development of this stability, see J.H. Plumb's The Growth of Political Stability in England 1675-1725 (London, 1967), esp. chs. 2-4.

2. By the later eighteenth century "the concept of a sovereign parliament was hardening into an orthodoxy...." In this debate, Parliament was argued to be a combination of the authority of King, Lords, and Commons, and not just Lords and Commons as critics of the Hudson's Bay Company in the 1740s and 1750s were wont to believe. - H.T. Dickinson, "The Eighteenth-Century Debate on the Sovereignty of Parliament," Transactions of the Royal Historical Society, fifth series, 26 (1976), 189.

3. For examples of this, the following may be consulted: B. Williams, The Whig Supremacy, 1714-1760, second edition (Oxford, 1962), esp. ch. 11. W.L. Dorn, Competition for Empire, 1740-1763 (New York, 1963), esp. ch. 6. G. Williams, The Expansion of Europe in the Eighteenth Century: overseas rivalry, discovery and exploitation (London, 1968), esp. chs. 3-4. W.A. Speck, Stability and Strife: England, 1714-1760 (Cambridge, Mass., 1977), esp. chs. 1, 6, 11. P. Langford, "The Eighteenth Century (1688-1789)," The Oxford Illustrated History of Britain, edited by K.O. Morgan (Oxford, 1986), 352-418. W.B. Willcox and W.L. Arnstein, editors, The Age of Aristocracy, fifth edition (Lexington, Mass., 1988), esp. ch. 6.

4. B. Willson, The Great Company, being a History of the Honourable Company of Merchant-Adventurers Trading into Hudson's Bay (Toronto, 1899). G. Bryce, The Remarkable History of the Hudson's Bay Company including that of the French Traders of North-Western Canada and of th North-West, XY, and Astor Fur Companies (London, 1900). Sir W. Schooling, The Governor and Company of Adventurers of England Trading into Hudson's Bay during Two Hundred and Fifty Years, 1670-1920 (London, 1920) To understand how these individuals have written about the past with reference to their present, see Sir H. Butterfield's The Whig Interpretation of History (New York, 1965), esp. ch. 2.

5. D. Mackay, The Honourable Company: A History of the Hudson's Bay Company, second edition (Toronto, 1949), esp. ch. 5. E.E. Rich, The History of the Hudson's Bay Company 1670-1870 (2 vols., London, 1958-59), esp. volume one, chs. 2, 6, 40. G. Williams, "The Hudson's Bay Company and its Critics in the Eighteenth Century," Transactions of the Royal Historical Society, fifth series, 20 (1970), and "Highlights of the First 200 Years of the Hudson's Bay Company," The Beaver, 301 (Autumn 1970, reprinted 1976).

CHAPTER TWO

SOURCES OF AUTHORITY: PREROGATIVE OR PARLIAMENT?

In mid-eighteenth century Britain, views concerning the legality of royally-chartered trading companies, and their resultant monopolies, ranged the spectrum of opinion. At the time of Arthur Dobbs' challenge to the Hudson's Bay Company charter in the 1740s (culminating in 1749 with a parliamentary inquiry), one of the foci of attack was the issue of the charter's legality. Were its provisions still valid, and binding, in 1749? Was the illegality perceived to be a significant aspect of the challenge levied against the Company? Questions such as these can be helpful in an examination of the evidence, but interpretations by historians have been less than consistent in recognizing the necessity of discussing the legality of the Company's charter at any time during the Company's formative years, and particularly during critical periods in these early years. To anticipate further discussion, was the questioning of the Hudson's Bay Company's charter a direct attack on the Company, or was it symbolic of a larger objective, namely the privileges of the Crown and, particularly, the use of the royal prerogative? To date, contemporary interpretations have provided greater insight into these issues than have historians who have written about the Company.

It is easier to understand the legality debate surrounding the Hudson's Bay Company when it is examined in the context of chronological developments. The Company received its charter of incorporation from Charles II on 2 May 1670, and it was at this time granted in perpetuity.[1] In the years following the Glorious Revolution of 1688-89 and the accession of William III and Mary II in 1689, the Hudson's Bay Company, uncertain of its position (present and future), petitioned the House of Commons for confirmation of its royal charter. Parliament confirmed the Company's rights and privileges in 1690, for a period of seven years. Thus a large portion of the debate over the legality of the Company's charter centred on the concept of the charter's expiry.

Opponents and critics of the Hudson's Bay Company charged that the Company's royal charter was illegal by citing three dominant interpretations of the legal limitations of charters in their charges: parliamentary confirmation of the charter had expired in 1697 and the Company had not received renewal of this approbation; the charter may once have been legal but had since been voided by the policies and inaction of the Company; and that the original charter was flawed and, therefore, illegal.

In the matter of parliamentary confirmation, Arthur Dobbs suggested as early as 1744, in An Account of the Countries adjoining to Hudson's Bay, that the Company's charter was "at present a Monopoly granted only by Charter from King Charles the II without an Act of Parliament for it."[2] Later that same year Dobbs continued to attack the legality of the Company's royally-granted charter, asking "whether they had an Act of Parliament for their Monopoly, for without it it was illegal."[3] Dobbs believed the royal prerogative to have been, and to be, inadequate for the purpose of granting a legal charter of rights, powers, and privileges to a trading company. Without access to the collection of Dobbs' personal papers, some confusion remains about his interpretations of the legality of both the Company's charter, and of monopolies in general. Implicit in Dobbs' books and pamphlets, however, was the opinion that the Hudson's Bay Company's trading charter could be overturned by "the Government and Parliament [who] have a just and legal Right to lay open that Trade [to Hudson Bay] to all the Merchants in Britain."[4] Dobbs' interpretation that a royally-granted charter could be taken from a company had some grounding in fact, dating from the Elizabethan period when grants could be revoked by the monarch, generally on the basis of malpractice.[5]

From Dobbs' writings it appears that, in the mid-1740s, he was undecided as to the legality of trade monopolies. Did he understand trade monopolies to be legal if granted by what he deemed to be the correct authority; in this instance, Parliament? This is possible based on his 1744 statement that the Company's charter was illegal because it was no longer sanctioned by Parliament. Dobbs is unclear about the specific extent of Parliament's authority, as he does not distinguish between the granting and the confirmation of charters to trading companies. His determination to recognize Parliament as superior in the structure of government reflects a growing contemporary acceptance of a more limited role and power being ascribed to the Crown. From a twentieth-century standpoint Arthur Dobbs' motives are not so easy to ascertain with precision. Were Dobbs' motives purely altruistic and for the increased benefit of the nation's trade and economy, as he readily claimed in his pamphlets? This does not appear to have been the case, for by his own admission he stated in one 1744 pamphlet that "As for my Part, I shall ever be for breaking the Company's Charter...."[6] Indeed, among the papers presented to the Select Committee appointed in 1749 was a copy of a report from the Attorney General and the Solicitor General to the Lords of the Privy Council, dated 10 August 1748, in which the two law officers recorded the plea of Dobbs and his fellow petitioners:

> That his Majesty would be graciously pleased to incorporate the Petitioners, and the other Subscribers for finding out the said Passage, or such of them, and such other Persons as they shall engage in the said undertaking, and their Successors, for ever, and grant to them the Property of all the Lands they shall discover, settle, and plant, in a limited Time, in the Northern Continent of America adjoining to Hudson's Bay and Straits, not already occupied and settled by the present Company of Adventurers trading to Hudson's-

> Bay, with the like Privileges and
> Royalties as were granted to the
> said Company...to all such
> Countries into which they shall
> extend their Trade by Land or
> Water, not already granted by
> Act of Parliament to other Companies....[7]

While Dobbs et al. continued to argue that only grants from Parliament were legitimate, this behaviour, as outlined in their appeal, emphasized their confusion regarding the real (as opposed to symbolic) power of the Crown. Uncertain as to how much power over Parliament the Crown still possessed, they believed it would be a prudent move to petition the King in Council for monopoly privileges such as had been granted to the Hudson's Bay Company. Was this indicative of confusion on the part of Dobbs and the other petitioners, or did this action reflect their uncertainty as to who would be the eventual victor in the settling of the relationship between the Crown and Parliament? Caught between the established and the changing approaches to the procurement of privilege in the post-1688 world, this would-be rival group sought to utilize all avenues open to them, to increase the likelihood of a settlement in their favour. Did Dobbs' efforts emphasize that he was interested in questioning the legality of the Hudson's Bay Company's charter specifically, of royal charters in general, or even the legality of trade monopolies themselves? Given his stated motives, Dobbs was most likely interested in the former.

The interpretation that the royal prerogative was inadequate to grant a charter for an exclusive trading company, as put forward by Dobbs, was readily incorporated by subsequent critics of the Hudson's Bay Company. These critics increasingly adopted a more specific approach to the legality of the Company's charter by stressing the lack of parliamentary confirmation, after 1697, of the privileges the Company had enjoyed since 1670.

Arthur Dobbs was not the first person to consider the changing relationship between Parliament and the Crown in this period. Could the expiration of a statute supersede grants made by the Crown, even if the latter had been made for a longer period of time than had been addressed by Parliament? Some believed this to be the case in the early eighteenth century. In A Brief Historical Relation of State Affairs, Narcissus Luttrell[8] noted on Saturday 12 February 1697 that "the bills to void all grants of king Charles the 2d and king James the 2d were read, and ordered a 2d reading."[9]

Luttrell did not, however, itemize which grants were to be affected. And while not expressly critical of the Hudson's Bay Company per se, Luttrell was opposed to the manner in which Charles II and James II had used the royal prerogative. Interestingly enough, Luttrell's comments about the progress of the voiding bills were made less than three weeks before the Hudson's Bay Company began petitioning the House of Commons to have the confirming act of 1690 continued.[10]

One criticism levied against the Company was that parliamentary confirmation of their privileges had expired and the charter was, therefore, no longer valid. Throughout the 1740s, some petitioners and critics of the Company focussed some of their arguments on this lack of parliamentary confirmation, but they did not always directly and explicitly extend these attacks to the conclusion that the Company's charter was no longer binding since it had expired. Early criticisms, such as those contained in the 1749 pamphlet A Short State of the Countries and Trade of North American, treated the issue of parliamentary approbation in a familiar manner, assuming that those people who were sufficiently interested to read such a critical pamphlet were also well aware that the statute confirming the Company's charter had expired in 1697. The North West Passage Adventurers (hereafter, NWPA) asserted that the Hudson's Bay Company's "exclusive Trade for ever, without an Act of Parliament, it being a Monopoly, can't be granted by the Crown, is...a Certainty."[11] This argument, as put forward by the NWPA, added confusion to the interpretation that the Crown, by virtue of the royal prerogative, could dispense exclusive grants by claiming that Parliament's approval was necessary for these grants to be considered legal beyond any question. To press their point concerning the Company's charter, and its dubious legality, the NWPA expressed the view that the Crown did not have the authority to make grants such as the Hudson's Bay Company had received in 1670.

The more traditional view, that the Crown did have the legal authority to grant exclusive charters but that the sanction of Parliament was necessary to affirm the legality of such charters, was continued by Joseph Robson after the Select Committee had reported its inquiry findings to the House of Commons in 1749. As late as 1752, Robson argued that only an Act of Parliament could legalize the Company's charter. As a former Company employee, and a witness before the Select Committee, Robson re-asserted that the Company's monopolistic privileges were "granted only by charter, and not confirmed by parliament but for seven years, which expired above fifty years ago."[12] In 1790, Edward Umfreville, another former Company employee, declared that the Hudson's Bay Company required parliamentary confirmation to validate both its charter of rights and privileges and its very existence as a trading company. Umfreville understood that the 1690 confirmation had "made them a Company for seven years only [original emphasis]" and had since expired.[13] This interpretation, by Umfreville, of Parliament's authority was as far-reaching as had been the NWPA's in 1749, both of which concluded that the royal prerogative did not extend to legally granting exclusive charters. The Hudson's Bay Company was, until 1790, repeatedly attacked in pamphlet literature on the legitimacy and authority of its royal charter of incorporation since it did not enjoy continuing parliamentary support.

Parliament was thus perceived as having the authority both to endow and remove the privileges of corporate bodies. While most of the available evidence has emphasized the power and authority of Parliament to confirm, and even initiate, the privileges of the Hudson's Bay Company, this constitutional argument was also approached in an inverse fashion. A petition of 1 May 1749 to the House of Commons from a group of "Merchants and Traders of the City of London" claimed that their right to trade in British-held territories could only be taken from them by Parliament, but not by the Crown.[14] The understanding embodied in this petition was that the actions of Parliament were of greater consequence than those of the Crown.

During the period in which the Hudson's Bay Company sought parliamentary confirmation of its royally-granted charter, critics of the Company sought to establish the interpretation that Parliament's authority was superior to the Crown's prerogative. Once established, this would help to advance the critics' argument that the Crown did not have the authority to grant charters of monopoly. While this would not be a surprising conclusion to reach in the aftermath of the Glorious Revolution, it is both curious and noteworthy that this debate was still going on as late as 1790, and that the settling of ultimate constitutional authority, with regard to such cases as that concerning the Hudson's Bay Company, was still being determined.

Another perception of the legality of the Hudson's Bay

Company's charter and trade monopoly was that, though once valid and legal, it had since been rendered void by the actions of the Company. This argument was propounded by Arthur Dobbs in the mid-1740s during a pamphlet debate with Christopher Middleton, once a ship's captain employed by the Company. As early as 1744 Dobbs believed that the legality of the Company's charter was dubious. Setting the matter of parliamentary confirmation aside, Dobbs argued that "if they [the leaders of the Hudson's Bay Company] had a Right, they have entirely forfeited that Right by Law, in not fulfilling the Intention of the Grant" given to them by Charles II.[15] Dobbs repeated this sentiment in a second pamphlet, specifically targeted at Middleton, stressing that the Company had "forfeited their other Right as Proprietors of the Country...."[16] By these arguments it is clear that Arthur Dobbs believed that the Company's charter and privileges could be voided by the Company's policies and inaction.

The NWPA, including Dobbs as a Committee member, also voiced this interpretation of the Hudson's Bay Company's forfeiture of its charter. In the preface to a 1749 pamphlet, A Short State of the Countries, the NWPA made a double-pronged criticism of the Hudson's Bay Company concerning "The Illegality of the said Grant, and the Abuse they [the Company's London Committee] have made of it;..."[17] The interpretation that the Company's charter was void, or had been voided by the Company, demonstrated both confusion and desperation on the part of the NWPA. Early in this pamphlet the NWPA stated that the charter was "a void Grant" in its original conception, and yet only a few pages later the NWPA questioned "what they [the Company's London Committee] have done to fulfill the Intention and Terms for which the Charter was granted."[18] No distinction appears to have been made by the NWPA, between that which was void and that which could be voided, in their attacks on the Company's charter. In the same year, the NWPA made a clearer distinction between void grants and voidable grants. In A Short Narrative and Justification (1749), the NWPA maintained that the Company's grant of monopoly and privilege "was become voidable by the Non-user or Abuser of their Grant."[19] After making this statement of challenge, the NWPA did not develop and pursue this charge but, rather, abandoned it and, instead, channelled their energies into attacking the terms of the original grant.

Belief in the voidability of the Hudson's Bay Company's charter continued into the late eighteenth century, long after Parliament's investigations had been concluded. As late as 1790, Edward Umfreville declared that the Hudson's Bay Company could void its grant:

> even supposing their first and only charter, granted by King Charles the Second was intended to incorporate them for ever, they have undoubtedly forfeited every just pretension they could draw from thence, by the ill use they have made of this royal favour.[20]

The criticisms by Umfreville did not produce any real difference in interpretation from the works of Arthur Dobbs with regard to the connection assumed between what could render a grant of privileges void and the Hudson's Bay Company's perceived inactivity. Such beliefs were also articulated, though in a more subtle fashion, by contemporary historian Tobias Smollett. In his posthumously-published continuation of David Hume's The History of England, Smollett maintained "that, contrary to an express injunction in their charter, they [the Hudson's Bay Company's London Committee] discouraged all attempts to discover a north-west passage to the East-Indies;" and had thereby negated, or at the very least damaged, their exclusive grant.[21] Arguments that the Hudson's Bay Company had certain obligations to meet in order to retain its privileges exceeded those addressing the vaguely-stated arguments that declared the charter originally void. This confusion - that a void charter could be nullified - was temporary, and a distinction was gradually made between the two interpretations. The actual amount of written attention paid by the critics to the voidability of the Company's charter was small, particularly in relation to the overall criticisms made against the Company. This suggests that critics, most notably the NWPA, believed their objectives could best be achieved by attacking the terms of the original charter rather than by recognizing the legality of the Company and its charter, and trying to emphasize the Company's failure to comply with the perceived directives contained in the charter.

The dominant critical interpretations of the Hudson's Bay Company's charter's validity were centred around the original royal grant of Charles II of 1670. Central to the appeals of the NWPA and petitions by merchants, traders, and citizens to the House of Commons, this consideration of the legality of the Company's charter and trade monopoly did not focus on the parliamentary confirmation of 1690 or the Company's voiding of its grant. Instead, a total of four flaws were identified in the royal charter itself. The perceived flaws in the charter were identified as follows: the grant of an exclusive trade; that the grant was given in perpetuity; that the grant was an imposition on the Crown; and that the original land grant was not sufficiently specific to be considered legal.

Critics raised the fundamental question whether or not Charles II had complied with the ambitious demands of the original adventurers whilst in a state of duress, or had he been consciously determining the future Company's course of action, even though giving it wide parameters in which to operate? In his earlier pamphlets of 1744-45, Arthur Dobbs did not discuss the possibility that the Company had forced Charles II to grant an exclusive charter. But by 1749, the NWPA petitioners (including Dobbs) maintained that the means by which the Company had secured its privileges from Charles II had been fraudulent. Acting on the advice of legal counsel, the NWPA suggested that the vague clauses of the Company's charter were due to "an Imposition upon the Crown."[22] In a different pamphlet that year, A Short State of the Countries, the NWPA again insisted that the Hudson's Bay Company's "Grant was a fraudulent Imposition upon the Crown, obtained by Surprise, being not attended to by the Officers of the Crown," and that the King had been "inadvertently drawn in to grant, for little or no Consideration" a charter to the Hudson Bay adventurers.[23] Implicit in these charges was the idea that the original group of adventurers had sufficient power and influence to force the King to grant them the privileges they sought, and that the King was unable to deny them. The charge that the Company's charter had been fraudulently obtained was not made by subsequent critics, such as Ellis, Robson, or Umfreville, nor was it included in any of the petitions presented to the House of Commons during the 1749 inquiry. This fact suggests that the NWPA were desperately trying to utilize any and all means of attack that could procure for the NWPA the privileges which they sought.

In the matter of the Company's original grant being believed to be illegal, the factors of perpetuity, exclusive trade, and an unspecified land grant proved to be the dominant criticisms. In 1749 the NWPA argued that the granting of privileges in perpetuity was illegal and, to support their case, focussed on the Company's "long undisturbed Possession" of its charter.[24] The NWPA also argued that the Crown did not have the authority to use the prerogative to give grants of a perpetual nature,[25] thus reinforcing their belief that the Company's original charter was illegal. To underscore their interpretation of the Crown's prerogative power and legal capabilities with reference to perpetual grants, the NWPA had, in 1747, petitioned the King in Council for a charter to incorporate them. Two of the sixteen points of their petition were "That they may have the same privileges as are Granted the Hudsons Bay Company" and "That an Exclusive Trade be granted the Discoverers for a certain Number of Years."[26] The NWPA understood that it was within the prerogative power to grant a charter of privileges, but only for a finite period. The NWPA also combined their efforts with some of the merchants and inhabitants of London, Bristol, Glasgow, and Liverpool to produce a joint petition to press the illegality of such a perpetual grant (especially if done without parliamentary support) as being both "a Monopoly and contrary to Law."[27] The belief that all individuals, including the King, were subject to the rule of law led some critics of the Company to interpret that granting perpetual privilege was beyond the legal limits of the royal prerogative, drawing upon a still-crystallizing belief in the Stuarts' tyrannical use of the prerogative. By the late 1740s, the apparent threat of pretended Stuart kings had virtually ceased and perceptions of the Stuarts' constitutional legacy were beginning to harden. But criticism of the Company's perpetual charter did not end with the 1749 parliamentary inquiry. Edward Umfreville, in 1790, expressed doubt that the original charter of Charles II was intended to, or could, legally "incorporate them for ever."[28] These interpretations by the NWPA and Umfreville tried to assert, without support from other critics of the Hudson's Bay Companies, or of monopolies, that exclusive grants could not be made for an unspecified number of years.

General opposition to monopolies, particularly those granted to trading companies, also dominated criticism of the Hudson's Bay Company. There were certain distinctions made in the criticisms of such companies. Set against these interpretations of particular offenses of the Company's monopoly were more generalized, heavily rhetorical condemnations of the effect of monopolies on the nation's economy and citizenry. Criticisms of a more specific nature, such as were levied against the Company throughout the 1740s and early 1750s, attacked the notion of the legality of a grant of exclusive trade to a small group of people who had been incorporated in order to receive such privileges.

Attacks on the legality of the grant of exclusive trade appeared in both pamphlets and petitions to the House of Commons, and focussed on the 1670 charter. These attacks were often couched in rhetoric, and paid particular attention to "the general Benefit of the British Trade" that was being restricted due to grants of exclusive trade.[29] Petitions to the House of Commons similarly emphasized the detrimental effect of trade monopolies on the nation.[30]

Attacks were made directly on trade monopolies, which were viewed as contravening perceptions of Britain's legal traditions. This idea was advanced not only by the NWPA,[31] but also by individuals involved in the joint petition from the urban centres of London, Glasgow, Bristol, and Liverpool.[32] In the Short Narrative pamphlet of 1749, though, the belief in the illegality of exclusive grants of trade for a region was not further explored beyond the rhetorical level. The NWPA seemed content to raise this issue as only one of many that touched on the privileges of the Hudson's Bay Company, but not to develop and pursue it. Based on the attention the NWPA devoted to this avenue of criticism, it is reasonable to conclude that the issue of the exclusive grant of trade was not always at the heart of the charges levied by the NWPA and some of the merchants who had petitioned the House of Commons.

Argument beyond the merely rhetorical level did appear in some of the petitions presented to the House of Commons in April 1749. From the inhabitants of Shrewsbury came an appeal on behalf of "every British subject;"[33] likewise from the merchants and clothiers of Leeds,[34] and from traders, subscribers, and inhabitants of Manchester, Nottingham, Birmingham, and Derby.[35] The belief articulated in these petitions to a Whig-dominated Commons was a sophisticated one, expressly stating that basic rights of employment and income could not be denied to British subjects and, therefore, the Company's grant of exclusive trade and monopoly was illegal, being a violation of the rights of individuals and their liberties under the state.[36]

Specific criticisms of the Company's monopoly of trade also articulated a less rhetorical, but a more visible degree of indignity and self-interest on the part of such opponents. Attention was paid to the fact that only a small group benefitted from the Hudson Bay trade, due to the prejudicial and exclusive nature of the Company's charter, and the legality of this situation was considered in the face of existing legislation. In 1744 Arthur Dobbs had raised the question of the number of individuals benefitting from the Company's trade, stating that the group at the time was "confined to eight or nine private Merchants, who have engrossed nine Tenths of the Company's Stock, and by that means are perpetual Directors."[37] Interpretations of the illegality of an exclusive trade were held by a small group, and appeared in petitions to the House of Commons. For example, the petitioners from Manchester, Nottingham, Derby, and Birmingham, were in agreement on this complaint, "That the Commerce carried on to Hudson's Bay had been long confined in the Hands of a few Persons," which they believed was illegal in its exclusion of other British merchants and subjects.[38] Similar protests were voiced by petitioners from Appleby, Clithero, Ripon, Preston, Kendal, Wigan, and Great Yarmouth,[39] in which the grant of exclusive trade was understood to be of no advantage to either the nation or the general public. While acquiring profit was not thought illegal, the channels through which the Hudson's Bay Company acquired its profits were believed to be so.

The phrase "illegal Monopoly" appeared in the pamphlet literature[40] of the 1740s, as did references to the illegality of the Company's monopoly specifically.[41] Such instances provoke some interesting questions as to what was believed to constitute an illegal monopoly. Evidence from the pamphlet literature suggests that perhaps not all monopolies granted to incorporated bodies were illegal or that, at least, not all monopolies were perceived as illegal. Was the distinction made on the basis of which monopolies were granted by act of Parliament? Given the attack on, and the rhetoric surrounding the Company's monopoly, this seems likely to have been the case.

The most aggressive attack on the Company's charter of privileges and monopoly seized on the vagueness and, therefore, unlimited nature of the document. Charges that the Company's charter was "boundless" were made repeatedly. In 1744, Dobbs compared the boundlessness of the Company's royal charter with the greed of its stockholders, both of which he viewed as limitless.[42] Likewise, groups of merchants from Lancaster and Bristol interpreted the Company's charter to be both "boundless and uncontrollable."[43] Such attacks served mostly as a starting point for a more particularized attack on the Company's charter, through which lay the most likely avenue of success for the NWPA and the merchants and traders of (predominantly) central and northwestern England.

At the core of the attack on the Company's charter and monopoly was the geographical vagueness of the original grant of 1670. Though the majority of the secondary literature pertaining to the Hudson's Bay Company has focussed on the role of the Company in the development of Canada, historians have retained the distinctions that were popularly held in mid-eighteenth-century British pamphlets and petitions. The region under discussion was formally named Rupert's Land by Charles II in the royal charter.[44] After 1670, there are no references to the territory in dispute as Rupert's Land, nor do contemporaries, or subsequent historians of the Company, refer to the lands granted as Canada. In the debates of the mid-eighteenth century, the term Canada is used to identify the region formerly called New France. The eighteenth-century term of choice for the lands granted to the Company was Hudson's Bay. In the contemporary sources the term Hudson's Bay is employed in both popular and official literature, such as legislation and the report of the law officers to the Privy Council.[45]

Critics and potential rivals of the Hudson's Bay Company seized on the vagueness of geographic description in the 1670 charter to assert that the Company's grant of lands was illegal. In his earlier pamphlets of 1744-45, Dobbs placed considerable importance on making accurate geographic information available concerning northwestern North America (as he understood it from the information available to him). It was only in his later, more concerted, attacks on the Hudson's Bay Company that Dobbs referred to the vagueness of the lands granted to the Company and the consequent illegality of its charter. Dobbs asserted that the Company's "Grant of Lands was originally Illegal....by its having no Limits North, South nor West,"[46] which reinforced the interpretation that privileges of trade and territory had to have defined limits in order to be legal. This belief was repeated in the combined petition of the NWPA and the four cities, declaring that "the Grant of the Soil having no Limits or Bounds to the North, South, or West" was consequently illegal.[47] In their other pamphlet of 1749, A Short State of the Countries, the NWPA expanded their discussion of the Hudson's Bay Company's charter's lack of geographic limits and aimed to emphasize the illegality and uniqueness of such a grant:

> Except this extraordinary Charter, there never was any proprietory Grant from the Crown, without a limited Boundary; some betwixt Parallels of Latitude North and South; from a settled Meridian or fixed Point Eastward, to another Meridian or fixed point Westward; either by Degrees of Latitude, or by the Springs of Rivers, or limited by the South-Sea, as Carolina was bounded, which

> is a limit though a large one; but this Charter has no Bounds but the Globe...and must therefore be void from the Beginning....[48]

These assertions by the NWPA illustrate the general and widespread ignorance of the geography of the North American continent and the desire for comprehensible, manageable limits to be set, on both North America and the Hudson's Bay Company.

Petitions presented to the House of Commons were more subtle in their references to the illegality of the grant of unspecified, and potentially unlimited, quantities of land to the Hudson's Bay Company. One such example is the petition of the merchants and inhabitants of Liverpool, which included a brief reference to "such a vast Tract of Country" as was in the possession of the Company.[49] The petition from the Society of Merchant Adventurers of Bristol also reflected the small amount of factual geographical knowledge held in the mid-eighteenth century, referring as it did to the Company's "sole Trade of all the Seas whatsoever within Hudson's Straits, and of all the lands on the Confines thereof...."[50] The petitioning merchants of Great Yarmouth also cited the Company's lands as "that vast Country."[51] Though lacking substantial and accurate information pertaining to the geography of northwestern North America, some of the individuals petitioning the House of Commons believed that the territory under dispute was larger than anything they had experienced, thus fueling their optimism that there was sufficient land available to accommodate the presence and economic activities of other merchants and traders, as well as the Hudson's Bay Company.

The emphasis given to the charter clauses pertaining to the lands granted to the Company is crucial to an understanding of mid-eighteenth century perceptions of charters of monopoly granted to trading companies. Were charters, either royal or parliamentary, illegal if all privileges, powers, and territories were not explicitly defined? Was this a genuine attack on the Hudson's Bay Company and its lands, or was the Company being used as a vehicle for assault on the royal prerogative? Was this focussed interest in land in any way related to the generally limited knowledge of the lands surrounding Hudson Bay? While plurality of interpretation dominated geographical knowledge and information during this period, was this in any way compounded by the Company's policies? Only a small number of people had any experience and knowledge of the geography of the disputed area, as was made apparent in the NWPA pamphlet: when financing and outfitting their expedition for the North West Passage, the NWPA spoke of "Captains Moor and Smith, [as] the only Two who could be got, who were acquainted with the Navigation into Hudson's Bay."[52] That only a few people had any accurate knowledge of Hudson Bay and its geography was also drawn out in testimony given during the parliamentary investigation of March-May 1749, which combined evidence from current and former Company employees (or servants, as they were then known), and British-based merchants. Company employee Matthew Serjeant was questioned and informed the Select Committee:

> that he has heard the Indians say, there is a sea at the back Part of the Country, but never asked them at what Distance; that the French trade with the Indians, and it is said that they have a small Factory 50 Miles up Moose River; that he does not know the Company's limits, but has heard them say, the French are not to come within 500 Miles of their Forts.[53]

In spite of having visited, and resided in, the disputed territories, Serjeant's knowledge of the Company's lands was founded largely on optimism and hearsay, more so than on facts or personal experience. Did this also hold true for the testimony given at the inquiry by British merchants? John Tomlinson, a London merchant, stated that the country was extensive, with abundant resources that could be incorporated into the trade from this region.[54] John Hardman, a Liverpool merchant, displayed a more specific knowledge of the geography of northern North America than did Serjeant and Tomlinson with regard to lands close to the coast of the Bay, as he also believed that discovery of rivers and lakes would be "the most proper Method of finding out a North-West Passage."[55] Whether in Britain or in North America, knowledge of North American geography, as it related to navigable waterways was uncertain, and frequently based on another person's information. This reliance on the geographical knowledge of other men was shown clearly in a book by Captain William Coats on The Geography of Hudson's Bay between the years 1727 and 1751, of which an edited version was published in 1852. Coats declared that "What Mr. Dobbs has thought fit to call a description of Hudson's Bay, is so erroneous, so superficial, and so trifling, in almost every circumstance,"[56] which would reduce the credibility of the critics in their attacks on the so-called boundlessness of the Company's charter. It is clear that accurate knowledge of the geography of Hudson Bay was not central to the attack on the Company's vague grant of lands.

An interpretation of illegality was only part of the perceptions of the Hudson's Bay Company's charter in 1749. There were individuals, as well as groups, who maintained that the Company's charter was not only legal in 1749 but that it had been legal since it was first granted in 1670. Literature asserting the validity of the Company's charter was not as extensive as that produced by its critics and opponents, but the appeal to precedent was equally strong and focussed. Reference could be, and was, made to the authority of the royal charter itself, and to acts of Parliament that supported this reading of the legality of the Hudson's Bay Company's charter.

Soon after the concerns of the Company's critics and opponents were outlined to the House of Commons, the priorities of the Select Committee were quickly established. This provided a significant portion of the framework within which the Hudson's Bay Company was able to defend itself in

1749 against the attacks on its charter and privileges. Dominating the London Committee's understanding of the legality of their charter was, of course, the authority of the legal prerogative.

In 1670 there seemed little doubt that the Crown, in the person of Charles II, did indeed have both the legal right and the moral authority to grant such privileges and powers as the Hudson's Bay Company received. The charter granted to the Governor and the rest of the Company demonstrated a clear belief on the part of Charles himself that he had acted in full accordance with the prerogative powers available to him. Further, Charles II incorporated this declaration of his authority in the charter which he had granted "by virtue of Our Prerogatives Royal, which We will not have in that Behalf argued or brought into Question."[57] This prerogative power was emphasized by the Company in 1749 as part of its defence against its critics. In its petition to the parliamentary Select Committee, the Hudson's Bay Company asserted the legality of the procedure by which it had received its charter and "That the Petitioners [did] apprehend the said Letters Patent, or Charter, to be both reasonable and legal; and that it doth not contain further Privileges than what were absolutely necessary to induce the Adventurers to begin and carry on a Trade,..."[58] The Company also published, at about this time, a three-page pamphlet defending its charter, again asserting the interpretation that their privileges were such as "the Crown might lawfully grant them" and were therefore legal.[59] Belief in the authority of the prerogative power was considered in the House of Commons in May 1749. A committee of the whole House was asked to consider

> That an Humble Address be presented to His Majesty that he would be pleased to give Orders to the proper Officer to take a proper Method to try the Right claimed by the Governor and Company of Adventurers of England trading into Hudson's Bay to exercise an Exclusive Trade and other Rights and Privileges granted to them by his Majesty King Charles the Second....[60]

The result of this vote was that only twenty-nine MPs (including Lord Strange, chairman of the investigating Select Committee) were in favour of the motion, while sixty-five Members opposed it.[61] The outcome of this vote was known to the Hudson's Bay Company and undoubtedly strengthened the London Committee's belief that the Company enjoyed Parliament's support. The small number of MPs that actually voted on this motion suggests that there was either considerable apathy among the Members concerning the less than lucrative Hudson Bay trade or, more likely, general satisfaction with the legality of the Company's charter as granted by Charles II.

The legal case, that the Company's charter was valid in 1749, increased in credibility by the Company's references to earlier legislation passed by Parliament. These references were not contained in the petition to ~~the Select~~ Committee,[62] but were brought out by Mr. Sharpe, solicitor for the Hudson's

Bay Company, throughout the inquiry. The interpretation put forward by the Company, through the efforts of its solicitor, was that its charter had been re-affirmed by an Act of Parliament of 1707 and that they had "thereby received Her Majesty's Sanctions of their Rights;..."[63] This particular statute, 4 Anne, c.36, to promote and advance British trade "to and in the several parts of America"[64] contained the following proviso in its final clause:

> Provided always, That nothing in this act shall any ways extend, or be construed to take away or prejudice any of the estate, rights, or privileges of or belonging to the governor and company of adventurers of England trading into Hudson's Bay.[65]

The Company's London Committee understood by the passage of such legislation that their royally-granted charter of 1670 was still valid, based on the stipulations of both Parliament and the Crown. Protection of the Company's charter and privileges by this statute provided the most convincing argument in favour of the legality of both the Company and its charter by its appeal to precedents.

In further defence of the legality of the Company's charter, Mr. Sharpe made reference to a statute of 1745 that offered a public reward, of 20,000 pounds sterling, for the discovery of a viable northwest passage by a British subject,[66] and continued to stress Parliament's actions to protect the privileges of the Hudson's Bay Company. In his interpretation of this statute, Sharpe pointed out that "the Legislature thought fit to recompence them, and not by breaking in upon this Company's Rights,..."[67] Sharpe also paraphrased the protective fourth and final clause of the 1745 statute which, in the original text, was a verbatim repetition of the protective clause in the 1707 statute.[68] The interpretation that this statute was an affirmation, by Parliament, of the Company's privileges was not made by Mr. Sharpe, but can be extracted from the documents.

The Select Committee appointed in 1749, to report to the House of Commons on

> the State and Condition of the Countries adjoining to Hudson's Bay, and of the Trade carried on there,...and also to inquire into the Right the Company of Adventurers trading to Hudson's Bay pretend to have, by Charter, to the Property of Lands, and exclusive Trade to those Countries,[69]

comprised not only MPs and merchants who sat in the House of Commons as MPs, but also the two law officers, Attorney General Sir Dudley Ryder[70] and Solicitor General William Murray.[71] The opinion of Murray and Ryder was bound to carry considerable weight in the Select Committee,[72] and emerged in the opening paragraphs of the Committee's Report:

> Your Committee thought proper, in the first place, to inquire into the Nature and Extent of the Charter granted by King Charles the Second to the Company of Adventurers trading to Hudson's Bay; under which Charter the present Company claim a Right to Lands, and an exclusive Trade to those Countries: Which Charter being laid before your Committee, they thought it necessary, for the information of the House, to annex a Copy thereof to this Report, in the Appendix, No. I.[73]

The focus of the investigation had thus been inverted from the original proposal. Further, the suggestion of pretence to charter by the Hudson's Bay Company had been removed from the language of the Select Committee's findings, setting the tone for the investigation that the charter's legality was not suspect in the opinion of the Select Committee. Once this priority had been considered and established, the Committee could then concern itself with examining individuals, with reference to climate and trade. Why this reversal of emphasis by the Select Committee? In the wake of years of pamphlet debate, the Select Committee, and particularly the law officers, recognized the absolute necessity of establishing the legality of the Company's charter before addressing the claims of restriction of trade, charter obligations, or the lack of specificity with regard to lands granted to the Company. It was believed that, once the decision was reached that the charter was legal, decisions about territory and trade would follow logically and naturally from the provisions outlined in the charter. Ruling first on the question of the charter's legality would address decisively most of the serious issues raised in the popular press debate.

Thus, by the statutes of 1707 and 1745 and the report from the Select Committee, Parliament had accepted and recognized the continued legitimacy of the Hudson's Bay Company, and the legality of its royally-granted charter.

Even in the face of vocal challenges and criticism of the Company, there had clearly been sufficient support (in both houses of Parliament) for the Company's retention of its charter and its trade and resource monopoly. Although there are no division records from the Commons for the 1745 statute, it is not likely that a large number of Members would be involved in such voting.[74] Did those in Parliament who opposed the Company not feel strongly enough about the issue to attend and vote? Was parliamentary opposition to the Company smaller than the critics have suggested? Following the conclusion of the parliamentary inquiry the report was considered by a Committee of the whole House, with particular attention to the legality of the Company's charter. A motion to recommend examination of the Company's rights was voted on by approximately 100 of 558 MPs.[75] Compare this division with the vote in 1744 on a Levant trade bill, which involved only 130 MPs, and it is reasonable to conclude that many Members were not sufficiently interested in matters of trade and monopolistic companies to remain in the House to vote, one way or the other, on such bills and motions. Political opposition to these chartered companies was as small as its extra-parliamentary parallel, and was less vocal in its protests. Was there any attempt to remove or amend the fourth clause of the 1745 statute? Considering that there was no change in the wording or intent of this protective clause from that in the act of 1707, this does not seem to have been likely since the act supports the right of the Crown to employ the royal prerogative to create the Company, and affirms the perpetual nature of the charter.[76] The Company's charter had, by implication, been declared legal in its perpetuity, and continued to be viewed as such by Parliament by virtue of the fact that the public reward statute of 1745 was not repealed until the early nineteenth century.[77]

Examination of some perceptions of the legality of the Hudson's Bay Company's charter yields a variety of conclusions, some expected, but all are illustrative of mid-eighteenth century attitudes towards British trade, and its role in the development of an overseas empire, as well as the place of royally-chartered trading companies within both visions. Determination by a parliamentary committee that the Company's charter was legal showed that the Crown's prerogative power had been curtailed, but not eliminated, by the developments of 1688-89 (and therefore still had to be recognized), and that Parliament's importance and authority had increased but not to the point of supremacy over the Crown with respect to trade monopolies. One of the most obvious conclusions is the benefit that could be reaped by historians of the Company (mostly from a Canadian perspective) by considering the importance of the charter's legality and the multiplicity of interpretations which surrounded it throughout the eighteenth century. This would contribute toward an explanation of the post-1750 flurry of activity by the Company in Rupert's Land that had been spurred to a more intense pace of development.

Perceptions of the legality of the Hudson's Bay Company's charter also contribute to the study of constitutional changes that occurred in the first half of the eighteenth century in Britain. Events in the 1690s, and the later references to them, underline the constitutional uncertainty in the years following the Glorious Revolution, while highlighting the confidence and security in constitutional matters following the unsuccessful Jacobite invasion and rising of 1745. By this time rhetoric surrounding the legality of the Company's charter had been limited, and a clearer distinction made between illegal and restrictive. Thus, the King's use of the prerogative power to grant an exclusive charter to the Hudson's Bay Company had been recognized as legitimate by Parliament. Extra-parliamentary efforts to assert that only free and open trade, declared by statute, was legal failed before Whig governments that were certain they were upholding the constitutional rights of Britons in the face of greater dangers than were posed by chartered trading companies and the privileges they enjoyed.

Were the events and debates that culminated in the 1749 parliamentary inquiry really a challenge to the charter of the Company, or were they symbolic of a greater assault on the extent and authority of the royal prerogative? In the 1690s, such a challenge could be interpreted as part of a larger settling of constitutional authority, but this was not the situation in the 1740s. Arthur Dobbs and other critics or would-be rivals of the Company carefully, but only partially, wrapped their discourse and motives in constitutional principles, remembering that by 1748 these rivals admitted that they were seeking their own charter of perpetual rights and privileges.

Self-interest was not the whole rationale behind these perceptions of charter legality. Eighteenth-century legal forms and procedures were very evident, carefully structured, and observed by opponents and advocates alike. The sense of theatre was strong, as can be seen by the fact petitions were made to the House of Commons only after they had been made to the Crown and the Privy Council. The theatre can also be seen in the need of the players in this drama to rely on precedents, particularly if they were of a legislative nature, regardless of whether the individual or the group viewed the Company's charter favorably or not.

ENDNOTES

1. Report from the Committee, Appendix I, ii. This report has been reprinted in Sessional Papers, volume 18.

2. Dobbs, An Account of the Countries, 158. An Irishman, Arthur Dobbs (1689-1765) sat as an MP in the Irish House of Commons, was also appointed Surveyor-General of Ireland and, from 1754 until his death, governor of North Carolina. See the following for further biographical information: A. Johnson and D. Malone, eds. Dictionary of American Biography (New York, 1930), v. 336-7. Cf. Desmond Clarke, Arthur Dobbs Esquire, 1689-1765: Surveyor-General of Ireland, Prospector and Governor of North Carolina (London, 1958), esp. chs. 3-7.

3. A. Dobbs, Remarks Upon Capt. Middleton's Defence (London, 1744), 72.

4. Dobbs, An Account of the Countries, 158.

5. W. R. Scott, The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720 (3 vols., Glourcester, Mass., 1968), i. 118, 127. Scott does suggest, however, that revocation of a charter fell within the limits of the royal prerogative and not, as Dobbs maintained, by the actions of Parliament.

6. A. Dobbs, Remarks Upon Capt. Middleton's Defence (London, 1744), 71.

7. Papers to the Committee, 77.

8. Luttrell supported the Exclusion Bill and "sat as a Whig in the second Parliament of William III, when he kept a valuable parliamentary diary." - B.D. Henning, ed., The House of Commons, 1660-1690 (3 vols., London, 1983), ii. 782-3.

9. N. Luttrell, A Brief Historical Relation of State Affairs (6 vols., Oxford, 1858), iv. 343.

10. 2 Wm. & M., s.1, c.15. The Governor, on behalf of the Hudson's Bay Company, petitioned the House of Commons on this matter on 3 March 1697. W.R. Scott has declared, incorrectly, that the Company had originally sought parliamentary confirmation of its privileges for only seven years. - W.R. Scott, The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720 (3 vols., Gloucester, Mass., 1968), ii. 231.

11. A Short State of the Countries, 8.

12. Robson, Six Years Residence, 1. For a parallel situation concerning the Royal African Company during the 1690s, see T. Keirn's article, "Daniel Defoe and the Royal African Company," Historical Research, 61 (1988), 243.

13. Umfreville, Present State of Hudson's Bay, 51.

14. Commons Journals, xxv. 850. Horace Walpole also recognized the superiority of Acts of Parliament over Crown patents. - H. Walpole, Memoirs of King George ii, edited by J. Brooke (3 vols., New Haven, 1985), i. 99.

15. Dobbs, An Account of the Countries, 158-9.

16. A. Dobbs, Remarks Upon Capt. Middleton's Defence (London, 1744), 71. The notion of charter obligations will be addressed in more detail in Chapter Four.

17. A Short State of the Countries, 1.

18. Ibid., 6, 8.

19. A Short Narrative, 6. E.E. Rich and A.M. Johnson identified Arthur Dobbs as the author of this pamphlet, on behalf of the NWPA, in their introduction to James Isham's Observations on Hudson's Bay, 1743 (London and Toronto, 1949), xcvi.

20. Umfreville, Present State of Hudson's Bay, 51.

21. History of England, xi. 296. As a matter of interest, it should be noted that Smollett discussed the challenges to the Hudson's Bay Company as having occurred, incorrectly, in 1748. Petitions were still being presented, and the Select Committee questioning witnesses, in 1749.

22. A Short Narrative, 6.

23. A Short State of the Countries, 8, 23.

24. A Short Narrative, 7.

25. A Short State of the Countries, 8.

26. HBCA.E.18/1, fol. 113.

27. A Short Narrative, Appendix II, 25. It should be noted that this joint petition was never presented to the House of Commons, for which refer to pp. 12-13 of this pamphlet.

28. Umfreville, Present State of Hudson's Bay, 51.

29. A Short Narrative, 11.

30. See, for example, the petitions from Newcastle-under-Lyne and Shrewsbury merchants, 5-6 April 1749, Commons Journals, xxv. 812-12.

31. A Short Narrative, 12.

32. Ibid., Appendix II, 25.

33. 6 April 1749, Commons Journals, xxv. 813.

34. 7 April 1749, Commons Journals, xxv. 817-18.

35. 10 April 1749, Commons Journals, xxv. 820.

36. 1 May 1749, Commons Journals, xxv. 850. The idea of the rights of individuals will be discussed in more detail in Chapter Four.

37. 10 April 1749, Commons Journals, xxv. 820.

38. 11 April to 1 May 1749, Commons Journals, xxv. 820.

39. 11 April to 1 May 1749, Commons Journals, xxv. 822, 824, 833, 850.

40. See, for example, A Short Narrative, 6.

41. Bristol petition, 12 April 1749, Commons Journals, xxv. 826.

42. Dobbs, An Account of the Countries, 48.

43. Lancaster, 11 April 1749, Commons Journals, xxv. 822; Bristol, 12 April 1749, Commons Journals, xxv. 826.

44. Report from the Committee, Appendix I, viii.

45. See, for example, the following: Papers to the Committee, 76-7 and Statutes at Large, xviii. 327-29.

46. A Short Narrative, 6.

47. Ibid., Appendix II, 25.

48. A Short State of the Countries, 8.

49. 10 April 1749, Commons Journals, xxv. 820.

50. 12 April 1749, Commons Journals, xxv. 826.

51. 1 May 1749, Commons Journals, xxv. 850.

52. A Short Narrative, 6.

53. Report from the Committee, 19.

54. Ibid., 51.

55. Ibid., 55.

56. Coats, The Geography of Hudson's Bay, 2. See M. Bowen's Empiricism and Geographical Thought: From Francis Bacon to Alexander von Humboldt (Cambridge, 1981), especially page 11 for her introductory comments on the proliferation of works on geography during the eighteenth century that did not necessarily provide any improvements to the discipline. For particular reference to the Hudson's Bay Company and the efforts of Arthur Dobbs, see the article by D.W. Moodie which underlines the distorted and opinionated nature of mid-eighteenth century geographical observations and their frequent and ready acceptance as factual. - D.W. Moodie, "Science and reality: Arthur Dobbs and the eighteenth-century geography of Rupert's Land," Journal of Historical Geography, 2,4 (1976), esp. 293.

57. Report from the Committee, Appendix I. x.

58. 1 May 1749, Commons Journals, xxv. 852.

59. Case of HBC, 1.

60. HBCA.E.18/1, fol. 204.

61. Ibid.

62. 1 May 1749, Commons Journals, xxv. 851-52.

63. Case of HBC, 1.

64. Statutes at Large, xi. 433. The act also contained provisions for increasing the quantity of private war ships, seizure of

privateering ships, and for securing men for warship service. - Statutes at Large, xi. 434-40.

65. Ibid., xi. 443. In A History of the Canadian West to 1870-71, A.S. Morton referred to the pamphlet A Short State of the Countries and claimed that Dobbs and his supporters maintained that "The Act of 1707...did not make the monopoly legal." - A.S. Morton, A History of the Canadian West to 1870-71 (London, 1939), 224.

66. Case of HBC, 2. The statute under discussion is 18 George II, c.17. - Statutes at Large, xviii. 327-29.

67. Case of HBC, 2.

68. For comparison, refer to Statutes at Large, xi. 443 and xviii. 329.

69. Report from the Committee, 3.

70. Sir Dudley Ryder was Solicitor General 1733-37, Attorney General 1737-54, and chief justice of King's bench 1754 until his death in 1756. Cf. R. Sedgwick, ed., The House of Commons, 1715-1754 (2 vols., London, 1970), ii. 397-98.

71. The Hon. William Murray (later Lord Mansfield, and first Earl of Mansfield) was Solicitor General 1742-54, Attorney General 1754-56, and lord chief justice of King's bench 1756-88. Cf. R. Sedgwick, ed., The House of Commons, 1715-1754 (2 vols., London, 1970), ii. 285-86.

72. See J. Carswell and L.A. Dralle, eds., The Political Journal of George Bubb Dodington (Oxford, 1965), 194, where the entry for Thursday 28 December 1752 stated: "In short, the corollary was that Murray, Solicitor General, and Stone governed this country."

73. Report from the Committee, 3.

74. This conclusion is reached by making a comparison with debate on a Levant trade bill (1744) that had passed the House of Commons by a vote of eighty-seven to forty-three, which was

described as "a thin house." - Parliamentary History, xiii. 895.

75. HBCA.E.18/1, fol. 204.

76. Statutes at Large, xviii. 329.

77. United Kingdom, Chronological Table of the Statutes (2 vols., London, 1989), i. 111.

CHAPTER THREE

PROFIT OR POTENTIAL TRADE: PERCEPTIONS OF TRADE POLICY

Mid-eighteenth century discussions concerning royally-chartered trading companies, and their monopolistic privileges, focussed on the impact of these companies on Britain's trade and economy, and not solely on the legitimacy of such organizations. Throughout the 1740s, the economic benefit of the Hudson's Bay Company to the nation was assessed at both popular and parliamentary levels, as were general theories of the value of monopolies. These concerns with the economic effects of monopolies definitely occupied a subordinate position to the stress placed on their legality, but both debates illuminate the depth of British perceptions about chartered trading companies in this period.

Arguments against the economic nature of trade monopolies, and of the Hudson's Bay Company in particular, centred on less than half a dozen key points. These criticisms were directed against a small group of individuals who were believed to benefit from the Hudson Bay trade. This trade monopoly was considered to have a restrictive effect on manufacturing and exports and to permit Britain's rivals (notably France) to encroach upon the Hudson Bay trade. The Company's trade monopoly was also viewed as an impediment to discovery and navigation. Criticisms such as these have been identified as standard Whiggish arguments.[1]

Comments concerning the benefits of the monopolistic Hudson Bay trade appeared in petitions to the House of Commons, and in the pamphlet literature of the 1740s. The idea that the Hudson Bay trade was "locked up in the hands of a few," or generally confined, dominated most of the petitions presented to the House of Commons during the parliamentary inquiry of March-May 1749.[2] Furthermore, these petitions emphasized that the gains accrued by these few individuals did not coincide with the economic interests of the nation. Indeed, some petitions stated that the Hudson's Bay Company's monopoly of trade was clearly detrimental, or prejudicial, to British trade.[3] The petition from the merchants and traders of London in May 1749 extended this criticism beyond the Hudson's Bay Company to declare "That all Monopolies and exclusive Companies are prejudicial to the Trade of this Nation."[4] In interpreting the economic impact of the Hudson's Bay Company on British trade, the London interest was at the fore.

The idea that the Hudson's Bay Company had any sort of detrimental effect on British trade in the mid-eighteenth century also appeared in the pamphlet literature, most notably those of the NWPA. In an appendix to their 1749 pamphlet A Short Narrative and Justification of the Proceedings of the Committee, the NWPA stated that the Hudson's Bay Company had "restrained and confined" British trade to Hudson Bay.[5] This same NWPA association, in 1749, made more explicit charges against the Company in another pamphlet, entitled A Short State of the Countries and Trade of North America. In this pamphlet the NWPA charged that the Company had "locked up [the Hudson Bay trade] from all his Majesty's other British subjects" and that they sought to keep all profits from the Hudson Bay trade within their own circle of subscribers.[6] Pamphlets addressing general economic theory could also be cited to support an argument for taking trade away from the exclusive control of the trading companies. In An Essay on the Causes of the Decline of Foreign Trade, in 1744, Matthew Decker, a merchant and influential writer on matters of trade, quoted from the work of DeWit that "Restraint [which includes monopoly of trade] is always hurtful of Trade."[7] While the Hudson's Bay Company is not specifically named and criticized by Decker, the Company's contribution to Britain's economy (by virtue of its exclusive charter) is "confined to London...to the great Disadvantage of the Nation in general."[8] There was no understanding that the provinces benefitted in any way.

Closely related to the smallness of the group of individuals involved in the Hudson Bay trade, which the NWPA put at "Nine or Ten Persons, scarcely known by People in Trade,"[9] was the important connection that was identified between monopoly and trade that did not promote British national economic interests. The NWPA elaborated on this theme in both of the 1749 pamphlets being examined here, asserting that,

> If the Trade to Hudson's Bay, and the Manner the Company carried it on, be next considered, it will appear to be highly prejudicial to the British Interest, and calculated to do as little for the Public, and as much for their own Benefit,...[10]

and that extending the Hudson Bay trade would benefit the British nation generally, not just the interests of a few Company stockholders.[11] The petitions to the House of Commons, in the spring of 1749, also displayed this reasoning; for example, from Kingston-upon-Hull came the complaint that "the petitioners apprehend the long confinement of the Hudson's Bay trade in the hands of an exclusive company...has been highly prejudicial to the true interest of this nation...."[12] One petition, from Great Yarmouth, went so far as to proclaim that the Hudson Bay trade was "of trifling advantage to the nation."[13] Implicit in this assessment was that the energy being expended on the Hudson Bay trade could be turned to better advantage. Similar petitions were presented to the House of Commons from Leeds and Whitehaven,[14] reinforcing the claim that monopolistic trade had only, and could ever only have, a negative effect on the nation's economy.[15]

The belief that the monopolies of chartered trading companies affected all levels of the manufacturing-consumption relationship permeated both the petition and pamphlet literature of the 1740s. The effect of restrictive or exclusive trade rights on the economy was claimed repeatedly to be one of stagnation and restraint in the particular areas of employment, manufacturing, domestic consumption, and exports. Such claims were then presented as evidence of the supposed inactivity and sloth of the Hudson's Bay Company. These sentiments appeared in the pamphlets of individuals and groups, in the petitions made to the House of Commons, and in the testimony of witnesses appearing before the parliamentary Select Committee.

Using the evidence from these sources it is now intended, therefore, to address these factors as contemporary critics presented them. The monopolies of chartered trading companies were unpopular and viewed as harmful to Britain's economy since they were seen to put restraints on employment throughout the nation. If demand was not increasing there was no need to engage more people to produce more goods for which no guarantee of consumption existed, either at home or abroad. Matthew Decker's discussion of this close relationship, though couched primarily in theoretical language, provided a clear interpretation that monopolies had a negative effect on trade in particular and the nation's economy in general. He opined that the abolition of monopolies (of all types, including chartered exclusive companies) would result in the employment of Britain's poor, "for the more Manufactures, Navigation, and Fisheries flourish, the greater Employment they provide for the Poor."[16]

Decker's interpretations were echoed by Arthur Dobbs, who was better known for his questioning of the legality of the Hudson's Bay Company's charter. In his 1744 book, An Account of the Countries adjoining to Hudson's Bay, Dobbs argued that thousands of British subjects were denied employment by virtue of the fact that a company had a monopoly of the Hudson's Bay trade.[17] Five years later, in A Short State of the Countries and Trade of North America, it was claimed that the Hudson Bay trade was "capable of employing many Hundreds" of people, and not just the few who were actually engaged in the trade.[18] But most important in the discussion of monopolies and employment was the understanding that the Hudson's Bay Company's monopoly hampered the "usefully employing of industrious Poor at Home."[19]

The restrictive effect of the Company on employment was considered in testimony given before the parliamentary Select Committee, as well as in one petition to the House of Commons in 1749. Only one petition, from the merchants of Lancaster, concerned itself with the number of Company ships involved in the Hudson Bay trade, which were in "some Years Two, other Years Four, Ships with Cargoes of inconsiderable Value."[20] John Tomlinson, a London merchant, testified before the Committee that when overseas trade was solely in the hands of a company only a few ships were annually employed to transport goods.[21] By extension, few ships involved in the annual trade meant that few men were employed in the acquisition, transportation, and distribution of British manufactured goods to overseas destinations.

Criticism was likewise made of the number of men actually employed by the Hudson's Bay Company at its North American forts. Edward Thompson, a former Company surgeon at Moose Factory, testified "that there are about 28 Europeans in the Factory; but they have no Clergyman."[22] William Moore, a Company ship's captain, claimed that there were not "above Six or Seven" men at Henley House.[23] Even at York Factory, one of the Company's most important forts, there were only thirty-six men, according to the testimony of former Company servant Joseph Robson.[24] Such testimony indicates a firm belief that there was a direct link between trade administered by chartered trading companies and the small quantities of men and ships employed in such ventures.

British manufacturing was seen to suffer by the existence of chartered trading companies like the Hudson's Bay Company. Not only was manufacturing affected by restraints on employment, but particular sectors of the economy claimed to be stifled in their efforts to produce goods. Petitions, mostly from the industrializing regions of England, stressed that the monopoly of the Company inhibited the manufacture of two prominent products, woollens and iron. This appeared in the petitions from Wakefield,[25] Newcastle-under-Lyne,[26] and even Great Yarmouth.[27] The balance of the petitions that addressed iron and woollen manufacturing did so from the perspective of consumption of these goods. The matter of manufacturing in Britain, especially of iron and woollens, was not raised by the parliamentary Select Committee, and only one witness, Liverpool merchant, John Hardman, declared that the Indians of the Hudson Bay region wanted these items from the Europeans.[28] Hardman was unclear, however, if the problem lay in manufacturing or in the distribution of goods.

Concern that manufacturing was being restrained was also an important theme in one essay produced by the NWPA. According to the NWPA, not only did the Hudson's Bay Company inhibit manufacturing generally, but they further restrained manufacturing in Britain by not underselling their international competitors.[29] Thus, chartered trading companies harmed manufacturing in two ways, by reducing demand for goods, and by making British-manufactured goods less competitive in the marketplace.

Closely connected to concerns about manufacturing was the matter of the consumption, domestic and foreign, of British manufactures. This anxiety dominated the petitions to the House of Commons at this time, as well as appearing in the works of essayists and pamphleteers. Towns like Shrewsbury, Leeds,[30] and Kingston-upon-Hull were concerned that "the consumption of our woollen, iron, and other valuable manufactures" would only suffer due to the presence of the Hudson's Bay Company's monopoly.[31] Likewise, Matthew Decker considered a chartered trading company to have limited, if any, positive impact on the consumption of manufactures, "a Company being but one Buyer"[32] and, thus, the Hudson's Bay Company being the only distributor of goods in the Hudson Bay region.

The impact of the Hudson's Bay Company on Britain's exports, and her export market, also received considerable attention in the 1740s, and the two were often readily linked in an unfavorable manner. The resulting interpretation was that the Company's monopoly placed definite restrictions on Britain's foreign trade, particularly in such matters as the extent of the foreign market, foreign consumption of British manufactured goods, and the ways in which the Company conducted its trade in Hudson Bay. Petitions to the House of Commons in the spring of 1749 demonstrated a concern for foreign consumption of British manufactured goods, particularly iron and woollens. Again, the petitions came predominantly from the industrializing areas, such as Shrewsbury, Leeds, Whitehaven, and Wolverhampton, as well as Great Yarmouth.[33] In their requests for opening up the trade to Hudson Bay was the belief that the Company, under its monopoly, did nothing to promote the consumption of British manufactures.[34] The petition from the merchants of Kingston-upon-Hull clearly outlined their understanding of the impact that the Hudson's Bay Company was having on trade: "the petitioners apprehend the long confinement of the Hudson's Bay trade in the hands of an exclusive company...has been...a great hindrance to the consumption of our woollen, iron, and other valuable manufactures...."[35] These merchants sought a larger export market, which they hoped would generate a continually greater demand for the iron and woollens that were being produced. But this concern went beyond hopes for the increased consumption of goods. Some accused the Hudson's Bay Company of not exporting manufactured goods while importing an increasing quantity of furs and other Hudson Bay products. The NWPA claimed, in 1749, that the Company "confine their Trade to a small Capital, their Exports not exceeding 3,600 l. annually[36]...[while they] import annually Furs, Peltry, &c to the value of about 30 or 40,000 l...."[37] Matthew Decker recognized a clear connection between monopolized trade and an excess of imports over exports,[38] and that this restricted consumption of imported goods by generating artificially high prices.[39] Trading company monopolies also retarded the economy by reducing the range of goods available for purchase and consumption.[40] A petition, intended to be sent jointly from the NWPA and the merchants of London, Liverpool, Bristol, and Glasgow, claimed that exports to Hudson Bay were being restricted by the Company since their charter provided for no regulations on their trading activities.[41] A pamphlet, A Short State of the Countries, put forward the belief that if the Hudson Bay trade were extended (that is, opened entirely, or else put on a regulated basis) "our British Exports might reasonably increase to 200,000 l. and our Imports from thence to above 400,000 l. in a very short Time."[42] This interpretation by the NWPA, standing in opposition as it does to Decker's evaluation of Britain's foreign trade, leads to the conclusion that one or the other had a poorer understanding of economic principles. In this instance, it seems likely that the NWPA can be singled out in view of the fact that one of their Committee, Arthur Dobbs, had declared his motive to be destruction of the Hudson's Bay Company's charter, and not the reclamation of foreign trade for the benefit of British manufacturing.

Testimony given before the parliamentary Select Committee was also critical of the Company's effect on trade and the national economy. Rather than charging only that the Company sought to restrict exports from Britain, testimony focussed also on the trading practices employed in the Hudson Bay area by the Company. Richard White, a former Company clerk at Albany Fort, testified "That the Trade consists of Beavers, Furs, Pelts, and Feathers, which the Indians bring down in Canoes, the Company never sending out Persons to traffic with them; that the Method of Trade with the Indians is fixed by a Standard delivered to the Governors by the Company...."[43] Edward Thompson provided similar information: "That it would be expensive to carry Goods up and down from the Lakes; but that would be trebly repaid, as the Natives could make Three Trips a Year,"[44] and

William Wansey, a Bristol merchant, concurred with Thompson's opinion.[45] The underlying perception was that the Hudson's Bay Company was doing little to extend and secure the Hudson Bay trade, and that this conduct was based on directives of the Company's decision-making body, the London Committee. The Company was also subjected to more specific criticism of its trading practices. A former Company armourer-gunsmith who was in Hudson Bay for approximately twenty-two years, Christopher Bannister, stated that both Company profit and Britain's foreign trade were restrained due to the Company's abusive treatment of the indigenous population, who then came less frequently to the factories to trade.[46] Matthew Serjeant gave similar evidence: "That he has Reason to believe the Trade might be increased by encouraging the Indians."[47] Concern in Britain that the Company did not promote, and quite probably hindered, the nation's export trade was seen to be, by some, well-founded in light of such testimony given before the parliamentary Select Committee.

A third area for which the Hudson's Bay Company was the focus of critical discussion pertained to discovery and navigation, which were believed to be closely linked to the nation's foreign trade. This criticism of the Company was that its efforts to explore the North American continent and surrounding seas, particularly for a navigable northwest passage to the Orient and the East Indies, had been, and continued to be, inadequate. The Hudson's Bay Company was consequently criticized for adversely affecting Britain's foreign trade by doing nothing (or not enough) to increase the extent of the export market. In 1744, Decker considered that monopolies in general (referring to chartered trading companies), and particularly in conjunction with Britain's navigation laws, increased the costs of navigation,[48] thus making it unlikely that foreign trade would be extended using this approach. This collection of laws, the Navigation Acts, were intended to give English shipping a monopoly in the colonial trade over rival Dutch shipping. Stipulating that foreign ships could not trade in English colonies, that goods from English colonies could be transported by only English or colonial ships, and that these colonial goods could be shipped only to England, the Navigation Acts created protected, but costly, markets for a narrow English trade. Presenting his charge against three companies, Decker asserted,

> There are a greater Number of Ship-Tonnage employed in the Trade to the free Port of Leghorn only, than all these three Companies (i.e., East India Company, South Sea Company, and Turkey Company] employ in their Monopolies to 3/4 Parts of the World, like the Fable of the Dog in the Manger, not eating themselves, but preventing those who would.[49]

Further, this combination of chartered trading companies and Navigation Acts had a negative effect on freight costs, thus increasing the selling price of manufactured goods in export markets.[50] At approximately the same time, Arthur Dobbs asserted that the Company monopolized navigation in the Hudson Bay area, thereby restricting the export market, by concealing such navigational knowledge from others.[51] In later pamphlets written for the NWPA, Dobbs continued to believe that the Company's inadequate efforts at discovery were having a negative effect on British foreign trade. Extension of trade, and discovery, were interdependent.[52] In A Short State of the Countries it was claimed that the Hudson's Bay Company sought "to deter others from navigating those Seas, which, if pursued, must certainly ruin their illegal Monopoly, and open the Trade to the rest of the British merchants."[53] Optimism about the Hudson Bay trade, as expressed in these pamphlets, concluded that Britain's economy was being denied the potential of a valuable export trade which the Company was not developing since it was not undertaking voyages of exploration in the region.[54]

The association of trade with navigation was made by groups petitioning the House of Commons in April and May 1749. Tradesmen from the cities of Chester and Coventry appealed for an open trade on the grounds of promoting navigation (and the consumption of manufactured goods).[55] Inhabitants of Shrewsbury similarly understood that the Company's monopoly had been "to the great Detriment of the British Trade and Navigation in general,"[56] as did merchants, traders, and inhabitants of Manchester, Derby, Birmingham, Nottingham,[57] Appleby, Clithero, Ripon, Preston,[58] Kendal,[59] and Wolverhampton.[60] These petitions did not go on to discuss the specific aspect of the trade-navigation relationship, seemingly content merely to raise the matter before the House of Commons. But while pamphleteers and petitioners approached the Hudson's Bay Company's monopoly as an obstacle to both navigation and foreign trade, both groups were insistent that these related factors of the economy were being harmed by the influence of chartered trading companies.

When the possibility of extending the Hudson Bay trade beyond the then present confines of the Company was raised by the parliamentary Select Committee in the spring 1749, there was little discussion of the inter-relatedness of trade and discovery. Less than half a dozen of the twenty-two witnesses, whose testimony is printed in the Report from the Committee Appointed to Inquire into the State and Condition of the Countries Adjoining to Hudson's Bay, and of the Trade carried on there, spoke of the Hudson Bay trade in relation to any manner of discovery or navigation. John Hardman was certain that separate traders would make the valuable discoveries that were not being made by the Company.[61] Primary witness, Joseph Robson, corroborated Hardman's testimony, stating "that he never knew any of the Company's People sent on Discoveries to the inland Parts,"[62] which he saw as contributory to the Company's inadequate trading efforts. Unlike the pamphlet literature of the 1740s, parliamentary Select Committee testimonies were, on the whole, less accusatory of the Company's methods of promoting, or extending, foreign trade through exploration.

The Hudson's Bay Company was, however, strongly criticized for its handling of the Hudson Bay trade in relation to French traders from Quebec (or Canada, as it was referred to in the 1740s[63]). Nearly all of the available contemporary sources indicate that the Company's monopolistic inactivity was responsible for letting territory and trade fall into the hands of French traders. When he proposed the abolition of all chartered trading companies, Decker believed that it would mean the ruin of all foreign rivals who would no longer be competitive in a free and open market.[64] The French and Dutch woollen trades, in particular, would decline while England's would be able to expand due to decreased competition.[65] Arthur Dobbs' earlier pamphlets, especially those of 1744-45, expressed his belief that French encroachments upon the Hudson Bay trade were directly attributable to the Hudson's Bay Company's incompetent handling of the trade.[66] Dobbs' view was most clearly presented, however, in a 1743 pamphlet by Christopher Middleton. Middleton quoted from one of Dobbs' letters, dated 19 November 1742, concerning exploration for a northwest passage: "This can only be done by laying open the Trade, and dissolving the Company...which must enlarge our Trade, and secure our Settlements there from the French, and regain the Trade which has been lost to them by the Monopoly of the Company."[67] The interpretation that a significant portion of the Hudson Bay trade had been lost, and was continuing to be lost, to the rival French by the Company was upheld in the pamphlets of the NWPA. In A Short State of the Countries the NWPA asserted that the Hudson Bay trade was being lost to the French due to the Company's general mismanagement of the trade.[68] Further, criticism was made of the Company's standard of trade (or, rate of exchange, which outlined what quantity of a specific item could be obtained from the Company in exchange for a particular quantity of furs, usually beaver pelts) in comparison to that offered by French traders.[69] The retention of a high standard, or price, demanded from the Indians was also interpreted as yet another factor that permitted more of the Hudson Bay trade to escape from the Company's control. The issue of keeping the Hudson Bay trade under British control persisted after the Select Committee had concluded its investigations in 1749. A book written by Joseph Robson and Arthur Dobbs,[70] and first published in 1752, criticized the Company for keeping the Hudson Bay trade "from the body of the people of Great Britain, though not from the French."[71] The Company continued to be charged with mismanagement of the trade to Hudson Bay,[72] thus not contributing to, nor promoting, its extension, while France expanded its trade.

Petitions to the House of Commons were sometimes cognizant of the French threat to the Hudson Bay trade. From Great Yarmouth came these concerns in May 1749:

> the Furs and other valuable Produce
> of that Country, which now falls into

> the Hands of our great Rivals the French, whose Strength and Commerce must always increase in proportion as ours decay; which must, the Petitioners are afraid, inevitably be the Case, unless some new Channels of Trade are opened to us....[73]

The inhabitants of Whitehaven reached a similar conclusion, though their petition referred vaguely to "other Nations" rather than naming France.[74] The petition from Bristol was as explicit as the Whitehaven petition had been vague in expressing the sentiment that the gradual French acquisition of the Hudson Bay trade was due to the Company's exclusive charter.[75] Merchants and inhabitants of Liverpool believed that the Company's monopoly was

> a considerable Hindrance to the Consumption of our Woollen, Iron, and other Manufactures, and has given the French, our worst Rivals, a fair opportunity of extending their Trade, from the Canada side, into a large Compass of that Continent, and even close up to the Company's Settlements, the Benefit of which would otherwise have been the Property of the British Subjects.[76]

Some of the public clearly believed that the Company's monopoly was permitting economic and territorial advances to be made by France. And such interpretations added strength and credibility to growing requests that Parliament open the Hudson Bay trade and remove it from the harmful influence of an exclusive company.

The matter of French encroachment on the Hudson Bay trade received moderate attention from the Select Committee during its 1749 inquiry. Testimony was relatively uniform among merchants who were not stockholders or had not been Company employees. John Hardman believed that the opening of the trade "would doubtless engage the Indians, who at present trade with the French, to trade with the English."[77] John Tomlinson's assertions echoed Hardman's, in that the opening of the trade "would be a means of regaining Part of the Trade from the French, since by this means the English might supply that Trade cheaper than the French can who are obliged to send their Goods to Canada...whereas our Goods might be carried directly into the Bay...."[78] Merchant testimony focussed more on the potential of the Hudson Bay trade and a means by which to keep it from the French traders, rather than accusing the Company of permitting French encroachment on the British export market. The remarks of other witnesses before the Select Committee did not differ significantly, although there was slightly more variation in the testimony concerning the restriction of trade by French advances. A former Company surgeon, Alexander Browne, testified "that if the trade was laid open, the French would be deprived of that opportunity [ie. restricting British trade]; as in that Case there would be a superior Number of English to guard the Trade."[79] Other witnesses believed that the French standard of trade was such that they were able to undersell the Company and advance on its trade.[80] Richard White stated that the French undertook to travel inland to trade with the Indians, something that the

Company did not do.[81] The perception behind such a statement was that the French trade was able to advance due to the idleness of a trading company that was not utilizing its charter privileges. Yet a third individual, John Hayter (a former Company carpenter) believed that the Company's conduct of the Hudson Bay was reactive in nature. To support this statement he cited the construction of Henley House, "which the Governor erected...to prevent the French trade, who never traded there before that Season."[82]

Two considerations clearly dominated opposition: understanding of the Company's exclusive charter and the increasing French trading presence in Hudson Bay. The small numbers of men employed by the Company in the region were argued to be inadequate to safeguard British trade in and to this region, if indeed this was one of the Company's objectives. Secondly, a belief existed among English merchants and traders, and even some private citizens, that the potential of the Hudson Bay trade was great, but had still to be achieved, and this could only happen by freeing the trade from the monopoly of the Hudson's Bay Company. This policy of liberation of trade would be achieved by one of two suggested alternatives: create a new company that would have limited privileges and be subject to some degree of regulation; or open the trade completely to all British subjects.

Perceptions of the Company's injurious effect on trade and the economy displayed considerable cohesion. A small but vocal network of critics understood the Company's monopoly to hurt the economy directly, by hampering consumption of goods, manufacturing, and employment, as well as indirectly, by stifling the import-export trade and in the reduction of the market available to Britain. Conviction of the trade's potential underpinned belief that elimination of the Company's monopoly would mean the end of the problems that were contributing to the deterioration of foreign trade.

In spite of these criticisms, exclusive charters were not without their advocates in mid-eighteenth century Britain. Less vocal than were the Hudson's Bay Company's opponents, those individuals and groups who gave their support did so in the belief that chartered trading companies could and did contribute to Britain's economic wealth through trade. It was understood that chartered companies, combined with British navigation laws, protected and sheltered British trade from foreign aggression, secured new trades and markets, and could more readily absorb the costs of running the trade than could individual traders and merchants. Matthew Serjeant stated in his testimony that there would perhaps be no Hudson Bay trade without a monopoly or just any company there to conduct the business year-round.[83] Solicitor General, William Murray, on his own, and in tandem with Attorney General, Dudley Ryder, recognized an underlying motive of jealousy among individuals who sought a trading monopoly for themselves, all the while complaining of the costly nature of trade and exploration due to the monopoly of the Hudson's Bay Company.[84] Even after the conclusion of the 1749 parliamentary inquiry, voices were raised in support of the possibility of a company carrying on a trade on a competitive basis, and most notable in this regard was Earl Granville in the 1750s.[85] By the end of the 1740s, and into the early 1750s, discussion of chartered monopolies, and their effects on trade, had declined, and was being increasingly replaced by discussion of the economic benefits to be reaped from trade with a specific country.

Views of the Company's effect on trade, and the economy in general, were not always negative. Such interpretations often emanated from Parliament, but occasionally came from former Company employees and, of course, from the Company itself. Government interpretations of the Company's contributions to British trade were most readily articulated in legislation. Two statutes discussed earlier (in reference to the legality of the Company's charter) also provide a clue to parliamentary understanding of the relationship between chartered trading company monopolies and the economic well-being of Britain. Both of these statutes expressed a satisfaction with the Company's handling of the Hudson Bay trade by continuing to preserve and promote the Company's privileges.[86] Confidence in the Company, and its conduct of the Hudson Bay trade, was also exhibited by Sir Charles Wager, First Lord of the Admiralty, in a 1737 letter to Arthur Dobbs, in which Wager stated that he did not see the benefit to be had by transferring the Company's advantages and privileges to another group or company.[87] The Crown's legal officers were also of the opinion that there was no basis for taking away the Company's charter to give it to another organization since "the Charter of the Hudson's-Bay Company does not prohibit the Petitioners [ie. the NWPA] from the Use of any of the Ports, Rivers, or Seas included in their Charter...."[88] These statements of satisfaction with the Company's actions under its charter carried with them an implicit belief that there was no need to alter the existing structure through which the Company and the nation benefitted economically. Parliament likewise recognized no need to terminate the Hudson's Bay Company's monopoly since they perceived that this did not restrict nor infringe upon the individual rights and freedoms of British subjects. Individuals were not denied the use of rivers and seas to gain access to trading regions beyond the reaches of the Company's charter provisions. Individuals could also pay the necessary fee required by some companies to be able to work and trade on that company's behalf. The monopoly of the Hudson's Bay Company did create a protected market, but this protection also existed for the benefit of individuals who would then be shielded by the Company from foreign aggression en route to their trading markets.

Individuals beyond Westminster voiced support for the Company and its impact on trade. The NWPA, during their campaign against the Company, had secured some of their anti-monopolistic interpretations from "a Gentleman [not named] of known Abilities, and extensive Knowledge in Trade, whose established Character had been to extend all Trade; and lay open all exclusive illegal Monopolies in Trade...."[89] But in 1749, this same unnamed individual informed the NWPA's Committee that he now believed that the Hudson's Bay Company "had done their utmost in extending the Trade, that it could not be further extended, [and] that by opening the Trade, or other embarking in it, might ruin their Trade, and the whole be lost...."[90] At the core of this opinion was the belief that the Company had managed the trade to Britain's benefit while defending the Hudson Bay trade from foreign encroachment, and that an open trade would terminate all the profits that were being enjoyed in manufacturing, imports and exports, and consumption of manufactured goods.

Belief that the Company was having a positive impact on trade and contributing to economic growth appeared (as a minority opinion) in some papers presented to the parliamentary Select Committee and also in testimony before the same Committee, culled mostly from former Company employees. Captain Thomas Mitchell responded that he "believes the Company encourage Discoveries, and promote Trade, to the utmost of their Power."[91] Opinion that the Hudson Bay trade could not make greater contributions likewise came from Arthur Slater's testimony: "he believes...that no

Persons could carry on the Trade cheaper; That if the Trade was opening, he believes no more Goods would be Imported, only one Factory might get the Trade from another."[92] Richard White, commenting on the Indians' interest in certain commodities named the following: "next to Necessaries, are Bread, Vermilion, and Toys."[93] The belief that the Hudson's Bay Company exported valuable manufactured goods, as well as toys and trinkets, was substantiated by papers that had been presented to the Select Committee in 1749,[94] which outlined the variety of goods exported to the Hudson Bay region and the yearly value, in pounds sterling, of these exports.

From such testimony it can be concluded that the Hudson's Bay Company did have its supporters (albeit seemingly a small group) who were of the opinion that the Company was engaging new foreign markets for manufactured goods. These individuals understood that the Company contributed to increases in the manufacture of goods, and also to a sustained level of exports. While supporters recognized that the Company's contribution was small, in terms of the currency-value applied to it,[95] they still maintained that the Company's handling of the Hudson Bay trade brought profits to British trade and the nation's economy in general. The size of this contribution was admittedly small, particularly when compared to that of some of the older trading companies which dealt in more attractive, and valuable, luxury items. The arguments of the Company's supporters that the Hudson's Bay

Company was expanding the foreign market for British manufactures seems, and was, a weak one, particularly in the absence of hard evidence, but they held to it steadfastly nonetheless.

The Hudson's Bay Company's own view of its economic contributions, with particular reference to trade and navigation in the Bay region, must be cautiously considered. It is to be expected that the Company would see its impact in favourable, if not glowing terms, but it is necessary to realize that part of this perception grew out of the Company's interpretation of how others, especially Parliament, viewed the Company and its endeavors.

The Hudson's Bay Company's representatives made two appeals to the House of Commons in the spring of 1749, in which they emphasized both the necessity of the Company's activities and the important contributions that Company trade made to the British economy. The Company's solicitor, Mr. Sharpe, appealed to all MPs who sat in the House of Commons by distributing a three-page pamphlet, The Case of the Hudson's Bay Company, which outlined and defended the Company's charter and subsequent conduct. The leading scholar in this field, Glyndwr Williams, has suggested that it would have been more in keeping with traditional practices if the Company had delivered its "terse, effective statement" to the parliamentary Select Committee.[96] Sharpe's targeting of the House of Commons was clearly innovative in this attempt to build a larger body of support for the Company and its trading and navigational activities. In this pamphlet, Sharpe and the Company emphasized their understanding of the Crown's support of their conduct: "[the Adventurers] had, at their great Cost, undertaken an Expedition for Hudson's Bay...for the Discovery of a new Passage into the South-Sea, and for finding some Trade for Furs, and other Commodities...and his Majesty being desirous to promote all Endeavors tending to the public good, did incorporate them...."[97]

In its pamphlet of self-defence, the Hudson's Bay Company outlined the government's support of the Company by referring to two statutes - those of 1707 and 1745 - that had sustained all of the Company's privileges while encouraging the participation of all British subjects in foreign trade and navigation.[98] This was interpreted by the Company to show that the previous and current governments believed the Company to be handling the Hudson Bay trade to Britain's economic advantage and, consequently, that Parliament continued to recognize the Crown's legitimate authority to grant exclusive charters. These interpretations were repeated in the Company's petition presented to the House of Commons during the Select Committee's investigations in spring 1749.[99]

In its awareness of expanding British trade during the early and mid-eighteenth century, the Hudson's Bay Company maintained strenuously that it had performed a pivotal task in securing and retaining a new export market. This sentiment appeared, clearly stated, in their petition to the Commons: "that, if a Charter had not been granted, there is no Reason to think that any Trade would have been carried on there [Hudson Bay] from this Country, any more than there had been for the space of upwards of Fifty Years next after the said Discovery...."[100] This reasoning was evident in the Company's 1748 pamphlet, with considerable emphasis being placed on the founding and development of a trade with the Indians of Hudson Bay, who had no experience with Europeans and their trading methods.[101] The Company's servants understood their mandate, through their exclusive charter, to be acquisition of the Hudson Bay trade, and sought to convey this belief to parliamentarians in the argument put forward in the pamphlet and petition.

The Company viewed itself as the only viable defender of the Hudson Bay trade. Maintenance of the trade with the Indians required concerted, organized effort, and the Company believed that a few "straggling Traders" could not manage the Hudson Bay trade to Britain's benefit.[102] The Hudson's Bay Company similarly understood itself to be the defender of the Bay trade in the face of foreign competition. In 1747, in response to a petition of the NWPA, the Company stated that "All the Trade into Hudsons Bay had before now been wholly Lost to this Nations if the Co. had not formerly to the great Loss and Damage and now do keep up at a great Charge the British Interest...."[103] The position articulated in this literature was that the Company saw itself as the developer of a trade that was more beneficial to the nation than it was to the Company. In its pamphlet The Case of the Hudson's Bay Company the Company's belief that it had effectively kept the Hudson Bay trade from the French was documented, so that British trade prospered at the expense of a long-time enemy.[104] The Company set forth a similar analysis of its efforts in its 1749 petition to the House of Commons, insisting "this Nation hath not only received great Advantage in its Revenues, by the Trade carried on by the said Company, but hath the sole Trade into Hudson's Bay, no other Nation interfering with the Company therein...."[105] The Company was not simply trying to convince others that their monopoly of the Hudson Bay trade was beneficial to British trade, because they held steadfastly to the accuracy of this interpretation of their efforts as a defender and promoter of British trade.

Related to the acquisition of the Hudson Bay trading market was the Company's belief that its management of this trade was benefitting British manufacturing. The Company tended to demonstrate this by making reference to specific goods that they transported to Hudson Bay. In its 1748 pamphlet the Company laid particular emphasis on guns, shot, powder, cloth, and cutlery.[106] The Company also presented a four-page paper to the Select Committee which outlined their standard of trade, or rate of exchange, at four factories in Hudson Bay, as well as the variety of manufactured goods they exported, thereby expanding the available market and stimulating manufacturing. The items listed in this paper included both luxuries (tobacco, lace, ivory combs, and thimbles) and necessities (scrapers, cotton cloth, firearms, fish hooks, and blankets).[107] Also among the papers presented to the parliamentary Select Committee were two which gave accounts of the Hudson's Bay Company's annual exports during the period 1739-48 and of the expenses incurred by the Company to conduct the trade and maintain their forts during the same period.[108] These two documents list annual totals only, and do not give any indication of what manufactured goods were actually exported as part of the Hudson Bay trade. But the Company still maintained that it was promoting British manufacturing by exporting available goods, as well as being the medium by which goods could be promoted to foreign markets.

A fourth matter in which the Hudson's Bay Company considered its exclusive charter beneficial to the British economy concerned navigation and exploration. Sharply criticized for inactivity pertaining to this endeavour, the Company interpreted its efforts to be more than adequate in relation to the costs they incurred. In 1747 the Company responded to sixteen charges made by the NWPA, particularly a criticism of their exploration activities, declaring "The Co. have made a great many Discoveries on the Coasts and Inland Countries whereby the Trade has been very much Increased."[109]

The Company was careful to distinguish between navigation undertaken to improve trade and navigation for its own sake, as they viewed exploration for a northwest passage to be a costly indulgence. In both of their appeals to the House of Commons the Company stressed the cost, in capital and lives lost, of northwest passage exploration that added little, if anything, in the way of new markets for British exports.[110] While only one-quarter of the ships sent out failed to return, none had succeeded in finding a navigable westward passage.[111] And in notes that were made during the 1749 inquiry, but not presented to the parliamentary Select Committee, the Company's London Committee articulated a belief that a northwest passage was not necessary for the improvement of the East India trade, nor would it be "of any Advantage to the East India Co. by sending ships that way," as had been claimed by the Company's detractors.[112] Thus, the Company maintained that there were greater benefits to be secured, for themselves and for British trade in general, by inland exploration over other alternative routes.

Throughout the 1740s and early 1750s, perceptions of the relationship between the Hudson's Bay Company's monopoly and British trade and economy ranged over the whole spectrum of opinion about such commercial activity. The Company's own understanding of its impact on trade was, not unexpectedly, rather inflated and self-congratulatory, and generally not volunteered to others. Articulation of the Company's interpretation that its trade was also to Britain's economic advantage was concentrated in only a few efforts, while the Company's opponents (predominantly the NWPA) sustained their belief in the monopoly's detrimental effect on trade, over a period of nearly two decades. It should be noted, though, that this opposition possessed a greater persuasive voice than the actual number of individuals involved would seem likely or even able to produce, and has given historians a distorted understanding of mid-eighteenth century British opinions and perceptions of trading companies that possessed exclusive charters. Although these opinions of would-be rivals should not be discounted entirely, they should be considered against the beliefs of those who maintained that the Company with its monopoly was conducting and promoting the trading interests of Great Britain. Both the Company and its contemporary advocates were aware that the trade to Hudson Bay was conducted on a considerably smaller scale than were the trades to the East Indies and the Levant, with consequently smaller profits. The Hudson's Bay Company managed to conduct a slightly profitable trade without appealing to Parliament annually for financial assistance, all the while keeping the majority of the territory under British control. Government had not been, and was not, convinced that opening the Hudson Bay trade would permit Britain to control the vast territory and export market, nor that this would generate a level of economic activity similar to that which had been maintained by the Hudson's Bay Company. For government merely to transfer the Company's charter and privileges to another company organization was to ignore the issue of the effect of chartered trading companies on British trade and the supporting economy. Mainstream political opinion continued to be influenced by factors concerning actual economic management and territorial control rather than by loose arguments of promise and the potential of the Hudson Bay trade.

ENDNOTES

1. See, for example, the comments by D. Clarke, Arthur Dobbs Esquire, 1689-1765: Surveyor-General of Ireland, Prospector and Governor of North Carolina (London, 1958), 23.

2. Commons Journals, xxv. 812-13, 817-18, 820, 822, 824-26, 833, 850. Cf. Stock, Debates, v. 312-13, 325.

3. Ibid.

4. 1 May 1749, Commons Journals, xxv. 850.

5. A Short Narrative, Appendix II, 27.

6. A Short State, 4-5.

7. Decker, Decline of Foreign Trade, 67. For further biographical information pertaining to Decker, see Sir L. Stephen and Sir S. Lee, eds., Dictionary of National Biography (London, 1908-), v. 716-17.

8. Ibid., 23. In this same section Decker attacked three companies by name: "East-India, South-Sea, and Turkey Companies."

9. A Short State of the Countries, 4.

10. Ibid., 15.

11. A Short Narrative, 13.

12. 5 April 1749, Commons Journals, xxv. 812. Stock, Debates, v. 313.

13. 1 May 1749, Commons Journals, xxv. 850.

14. 7 April 1749, Commons Journals, xxv. 817-18; 12 April 1749, Commons Journals, xxv. 825.

15. Report from the Committee, 58. The belief put forward was that the Company's interests did not coincide with those of the nation.

16. Decker, Decline of Foreign Trade, 93.

17. Dobbs, An Account of the Countries, 60.

18. A Short State of the Countries, 4.

19. Ibid., 15.

20. 11 April 1749, Commons Journals, xxv. 822.

21. Report from the Committee, 51. The value of Tomlinson's testimony lies in the comparisons made between the Hudson Bay trade and the Guinea trade, both monopolized by chartered trading companies.

22. Ibid., 25, 30.

23. Ibid., 44.

24. Ibid., 4.

25. 14 April 1749, Commons Journals, xxv. 830; reprinted in Stock, Debates, v. 328.

26. 5 April 1749, Commons Journals, xxv. 812.

27. 1 May 1749, Commons Journals, xxv. 850.

28. Report from the Committee, 56.

29. A Short State of the Countries, 16.

30. 6-7 April 1749, Commons Journals, xxv. 813, 817-18.

31. 5 April 1749, Commons Journals, xxv. 812.

32. Decker, Decline of Foreign Trade, 92.

33. 6 April to 1 May 1749, Commons Journals, xxv. 813-50.

34. Shrewsbury, 6 April 1749, Commons Journals, xxv. 813.

35. 5 April 1749, Commons Journals, xxv. 812; reprinted in Stock, Debates, v. 313.

36. A Short State of the Countries, 4.

37. Ibid., 5.

38. Decker, Decline of Foreign Trade, 1.

39. Ibid., 70.

40. Ibid., 56.

41. A Short Narrative, Appendix II, 27.

42. A Short State of the Countries, 6.

43. Report from the Committee, 10.

44. Ibid., 27.

45. Ibid., 57.

46. Ibid., 32.

47. Ibid., 18.

48. Decker, Decline of Foreign Trade, 25, 80.

49. Ibid., 25.

50. Ibid., 29.

51. Dobbs, An Account of the Countries, 11, 18.

52. A Short Narrative, 13.

53. A Short State of the Countries, 15; cf. p. 4 assertion that the Company "discourage others from enquiring into it [their trade], or attempting to trade to, or navigate these Seas,..."

54. Ibid., 23.

55. Chester, 4 April 1749, Commons Journals, xxv. 810, and reprinted in Stock, Debates, v. 312; Coventry, 18 April 1749, Commons Journals, xxv. 837, and reprinted in Stock, Debates, v. 329.

56. 6 April 1749, Commons Journals, xxv. 813.

57. 10 April 1749, Commons Journals, xxv. 820.

58. 11 April 1749, Commons Journals, xxv. 822.

59. 12 April 1749, Commons Journals, xxv. 824.

60. 1 May 1749, Commons Journals, xxv. 850.

61. *Report from the Committee*, 55.

62. *Ibid*., 8.

63. For examples of this see Dobbs, *An Account of the Countries*, 3.

64. Decker, *Decline of Foreign Trade*, 92.

65. *Ibid*.

66. Dobbs, *An Account of the Companies*, 60, 110.

67. C. Middleton, *A Vindication of the Conduct of Captain Middleton* (London, 1743), 122.

68. *A Short State of the Countries*, 16-7.

69. *Ibid*., 20.

70. For a discussion of the authorship of *An Account of Six Years Residence in Hudson's Bay from 1733 to 1736 and 1744 to 1747*, see G. Williams, "Arthur Dobbs and Joseph Robson: New Light on the Relationship between Two Early Critics of the Hudson's Bay Company," *Canadian Historical Review*, 40 (1959), 132-36.

71. J. Robson, *Six Years Residence*, introduction, iii.

72. *Ibid*., 4.

73. 1 May 1749, *Commons Journals*, xxv. 85[illegible]

74. 12 April 1749, *Commons Journals*, xxv. 825-26.

75. 12 April 1749, *Commons Journals*, xxv. 826.

76. 10 April 1749, Commons Journals, xxv. 820.

77. Report from the Committee, 56-7.

78. Ibid., 51.

79. Ibid., 38.

80. Ibid., 11.

81. Ibid., 13.

82. Ibid., 22.

83. Ibid., 21.

84. Parliamentary History, xiv. 114. Cf. report of D. Ryder and W. Murray to the Privy Council, 10 August 1748, printed in Papers to the Committee, esp. Appendix E, 75.

85. Parliamentary History, xiv. 771.

86. 6 Anne, c. 37 and 18 George II, c.17. - Statutes at Large, xi. 443, and xviii. 329.

87. Letter from Sir Charles Wager to Arthur Dobbs, 4 March 1737; printed in Gentleman's Magazine, 14 (February 1744), 83. Sir Charles Wager (c. 1666-1743) was first Lord of the Admiralty 1733-1742. For further biographical information, see R. Sedgwick, ed., The House of Commons, 1715-1754 (2 vols., London, 1970), ii. 502-04.

88. Report of Ryder and Murray, Papers to the Committee, Appendix E, 78.

89. A Short Narrative, 12.

90. Ibid.

91. Report from the Committee, 39.

92. Ibid., 50.

93. Ibid., 16.

94. No. XVII, "An Account of the Value of the annual Exports made by the Hudson's-Bay Company, for Ten Years last past," and No. XIX, "Standard of Trade at the several Factories of the Hudson's Bay Company, subsisting this present year 1748," Papers to the Committee, 14, 16-19.

95. No. XVII; No. XXIV, "An Account of the Amount of Imports or Sales made by the Hudson's-Bay Company, specifying the Quantities and Particulars, with the Average-Price of each Article, for Ten Years last past, distinguishing each Year," Papers to the Committee, 14, 30-34.

96. G. Williams, "The Hudson's Bay Company and its Critics in the Eighteenth Century" in Transactions of the Royal Historical Society, fifth series, 20 (1970), 161.

97. Case of HBC, 1.

98. Ibid., 2.

99. 1 May 1749, Commons Journals, xxv. 851.

100. Ibid.

101. Case of HBC, 1.

102. Ibid., 2.

103. HBCA.E.18/1, fol. 127.

104. Case of HBC, 3.

105. 1 May 1749, Commons Journals, xxv. 851. This statement was, to a degree, an exaggeration.

106. Case of HBC, 2.

107. No. XIX, "Standard of Trade at the several Factories of the Hudson's-Bay Company, subsisting this present year 1748," Papers to the Committee, 16-19.

108. No. XVII, "An Account of the Value of the annual Exports made by the Hudson's-Bay Company," and No. XXIII, "Accounts of the Hudson's-Bay Company's Exports of Trading-goods only, and of the Charges attending carrying on their Trade, and maintaining their Factories," in Papers to the Committee, 14, 29.

109. HBCA.E.18/1, fol. 114.

110. Case of HBC, 2. 1 May 1749, Commons Journals, xxv. 851.

111. No. II, "A List of Vessels fitted out by the Hudson's-Bay Company on a Discovery of a North-West Passage," Papers to the Committee, 3-4.

112. HBCA.E.18/1, fol. 129.

CHAPTER FOUR

THE HUDSON'S BAY COMPANY AND THE MYTHOLOGY OF CHARTERED MONOPOLIES

Philosophical perceptions of royally-chartered trading companies, and in particular the Hudson's Bay Company, in early and mid-eighteenth century Britain were founded on strong assumptions of the role of executive power in the constitution. Central to these considerations was the fact that trading companies such as these were creations of the royal prerogative. The relationship between Crown and Company was made apparent in discussions of the need for privileged companies to conduct trade, the role of these companies, and even in the mythology which continued to develop around chartered monopolistic companies, including one trading to Hudson Bay. Were mid-eighteenth century views on the need for chartered companies clear and distinct from each other, or were they a matter of degree in interpretation? Those who did perceive chartered trading companies necessary, in some way or another, assigned different priorities to the activities of the Company. Those who did not, for any reason, interpret chartered companies as necessary linked their argument to the impact these companies had on the individual rights and liberties of English subjects.

Discussion, in mid-eighteenth century Britain, of the need for, or usefulness of, chartered trading companies focussed not only on established companies like the Hudson's Bay Company, but also on companies that Parliament was considering creating. Did anyone speak wholly and completely against the idea that chartered companies were necessary to foreign trade, or was debate centred on the need for and role of such companies? The balance between these concerns was generally reversed in discussions of potential companies. But perhaps most significant were the changes that were occurring concerning the recognized body of authority for creating companies. In her study of grants of patents and monopolies, Christine MacLeod has suggested that the executive branch of government was able to use monopolistic grants as a way to conduct certain types of business by contracting them out to private individuals or corporate organizations.[1] In more specific terms, focussing on the trade to Africa in the early and mid-eighteenth century, Tim Keirn articulated the debate over the relationship between monopolistic trading companies and the realization of the trade's maximum profit.[2] Both of these considerations coincide with concerns that were brought to the attention of Parliament during the mid-eighteenth century. In a House of Lords debate on the proceedings of an African trade bill, merchants and members alike expressed opinions as to who should administer the trade. While the Earl of Winchilsea advocated control of the trade by a private company (in place of taxing British subjects to produce the necessary operating funds),[3] a petition from a group of

Liverpool merchants stated that the African trade should be under the control and administration of the government, and not a company.[4] At the core of both arguments was the balance to be considered between a company's operating costs and the potential for profit, which were based on different understandings of what was the most efficient method for conducting foreign trade. In terms of general discussion, critics were divided in their opinions as to who should control and administer a monopoly company, but this in no way indicated who spoke in favour of monopolistic trading companies and who did not.

References were made in Parliament on the need for monopolistic trading companies, but were not always qualified. In an April 1744 House of Lords debate on a Levant trade bill, the Earl of Sandwich spoke of the destructive effect that monopolies had on trade, but concluded that "trading companies are, in many cases, absolutely necessary."[5] The Earl's interpretation shows the general confusion that existed in the mid-eighteenth century concerning the need for exclusive companies. When Sir Charles Wager had been pressed to declare his opinions, in 1737, by Arthur Dobbs on monopolistic companies, and particularly the Hudson's Bay Company, Wager had responded in a way that seemed to anticipate the opinion of the Earl of Sandwich: "For though I do not much like exclusive companies, where it is not absolutely necessary, yet I would not have the Advantages that may be found by some, given away to others."[6] Both opinions display considerable indecision about the need for chartered companies, particularly trading companies. In their consideration of instances of absolute necessity for a company to carry on a specific trade was the suggestion that chartered companies be incorporated and utilized only as a final, and less than attractive, alternative to unrestricted trade. Wager did not elaborate further on his opinion and the Earl of Sandwich spoke only in the most generalized terms about monopolies and the companies that commanded them.

The majority of opinions on the need for chartered trading companies were decidedly more specific than were those of the Earl of Sandwich and Sir Charles Wager. Prominent among the factors considered, by both sides of the debate, were the costs involved in foreign trade, the establishment and maintenance of the trade, and the diplomatic aspects of foreign trade.

Nearly everyone seemed to have an opinion to express concerning the necessity of trading companies for the establishment and maintenance of foreign trade. In his 1744 Essay on the Decline of Foreign Trade, Matthew Decker was of the opinion that monopolies and chartered companies provided, at best, only a short-term solution to the problems of foreign trade.[7] The Earl of Sandwich, in 1744, advocated the necessity of a company to establish a foreign trade and construct the requisite forts and other buildings.[8] In a

House of Lords debate on a British fishery bill, the Earl of Winchilsea declared that the Royal African Company had been required for securing and establishing the African trade, but could readily be dissolved now that foreign rivalry had developed.[9] During the same debate Earl Granville was less wholehearted in his support, declaring that "for setting up a new and known trade, a company has in some cases been absolutely necessary,..."[10] A few of the witnesses who testified before the Select Committee in 1749 were also of the opinion that there was no long-term need for a chartered company to be involved in the Hudson Bay trade. Merchants William Wansey, John Hanbury, and John Hardman, along with Mr. Cockran, provost of Glasgow, agreed that forts were unnecessary to the successful conduct of the Hudson Bay trade,[11] which suggests that they inferred a limited period of usefulness for the Company that did not extend beyond the establishment of this trade. A general belief emerged amongst the parliamentary classes that chartered trading companies were necessary for the establishment of foreign trade, but that this need was only for a short period of time.

Opposing this view that trading companies were unnecessary to foreign trade, was another group which argued that these companies were needed even after a particular trade had been established. In debate on the Levant trade in 1744 the Earl of Sandwich stated that trading companies were necessary to the continuance of foreign trade and to the maintenance of forts and other appropriate buildings, provided that the company was incorporated by charter.[12] In his testimony to the Select Committee in 1749 John Tomlinson was generally uncertain as to the necessity of the Hudson's Bay Company but felt that the Company might be useful for the maintenance of the garrisons and larger forts in the Hudson Bay area.[13] Former Company employee Matthew Serjeant was more certain that the chartered Hudson's Bay Company was indispensable for the retention of the trade through the winter months of each year.[14] Support for a continuing Company-trade relationship could be easily undermined as there was no coherent argument favouring the longer-term existence of a company to maintain the trade. What is surprising is that this support managed to withstand the attacks made that sought to undermine the belief that a chartered company was still necessary once a particular foreign trade was considered secured.

The costs involved in initiating, securing, and continuing foreign trade were considered to be important, if not central, to discussions of the need for chartered trading companies. In the 1750 debate on the British fishery bill, Earl Granville stated that "when the setting up of a trade required a very great expense, which no immediate returns could answer, an exclusive privilege for a term of years was reasonable and indispensable," and a trading company was then both just and necessary for the retention of the trade.[15]

Granville's interpretation agreed with that which had been put forward by the Hudson's Bay Company in May 1749. In its petition to the House of Commons during the parliamentary investigation, the Company argued that its charter privileges, "were absolutely necessary to induce the Adventurers to begin and carry on a Trade, attended with great Charge and Difficulties at first, and without any Probability of yielding any Profit to the Adventurers for a considerable time;..."[16] In general terms, it was recognized that the early years of any foreign trade were likely to be more costly than profitable.

More specific debate of the economic necessity of a chartered trading company concentrated on the costs involved in building and maintaining forts and garrisons in the region of a new trade. In 1744, in reference to the Levant trade, the Earl of Sandwich opined that "when the establishing and preserving of forts and factories [could be achieved only] at a great expense" a chartered company was required to meet this need and retain the trade for Britain.[17] In the proceedings on the 1749 African trade bill a group of London merchants declared their combined opinion that the maintenance of the Royal African Company's forts and settlements was necessary, regardless of the cost, in order that "this most valuable branch of the British trade and commerce" be retained.[18] Even as late as 1750, in a House of Lords debate on a proposed herring fishery in Britain, Earl Granville recognized that a trading company required exclusive privileges whenever "the preservation of such a trade required an extraordinary annual expense," especially in terms of fort maintenance.[19] Arguments in favour of retaining a chartered trading company to absorb the costs of carrying on a foreign trade outnumbered and outweighed those which asserted that the costly forts were unnecessary to the management of the trade. During Parliament's investigation into the Hudson Bay trade only two groups of merchants included this line of argument in their petitions. Merchants from Bristol and Great Yarmouth protested that the Hudson's Bay Company's forts were an unnecessary expense since they understood the region's indigenous population was peaceful, not hostile, toward the Europeans and the trade they brought.[20] The petitioners from Great Yarmouth carried their interpretation further to state that private traders (should the trade be opened by Parliament) could and would build only whatever shelter or settlement they required for conducting trade.[21] In this instance, the interpretation put forward by critics of the Company fell short of producing a persuasive argument against the perception that company-managed foreign trade was costly. Far more reasonable and attractive to parliamentary decision-makers was the idea that a private company could absorb the costs of carrying on the trade, rather than that the government should have to meet these costs through the most likely method, taxation.

If debate focussed predominantly on the issues of the perceived need for trading companies and the costly nature of trade, then considerably less attention was devoted to the need for these companies with respect to diplomatic concerns. The Liverpool merchants who petitioned the House of Commons in 1749, on the issue of the African trade, stated clearly that the Company, and its forts and settlements, "were generally esteemed necessary, as marks of sovereignty and possession...."[22] A Bristol petition to the Commons in March 1748 had also made this point relating to diplomacy and international recognition.[23] When called to testify before the Select Committee in 1749, merchant John Hanbury stated that he believed the Hudson's Bay Company could be argued as necessary to limit any and all foreign presence in the Hudson Bay region.[24] If the Hudson Bay region, correctly termed Rupert's Land, was to be kept under British control then, chartered company supporters argued, a company with exclusive rights was required to safeguard this interest. Opponents of the Company appear to have been unwilling, or unable, to contradict this charge of the necessity of a company for international recognition of Hudson Bay as British territory.

From the evidence briefly considered above, it can be concluded that few of the individuals interested in this matter perceived chartered trading companies to be unnecessary to the initiation and development of foreign trade. In the view of Parliament, those few who spoke against the need for companies and their trappings, especially forts, presented feeble, unconvincing, and inconsistent arguments to support their case. The arguments which emphasized the need for chartered companies to carry on foreign trade were more coherent and persuasive, paying attention as they did to the factors of cost absorption, initiation of trade, and international recognition that the Hudson Bay territory was British due to management by a British-based trading company. It was these considerations, perhaps more than the perceived legality of the Hudson's Bay Company's charter and the effect of the monopoly on trade and Britain's economy, that prompted the Select Committee to declare in 1749 that the Company had a right to its charter due to the Pelham administration's belief that Britain had a need for the diplomatic, as well as the trading, services that the Hudson's Bay Company could provide.

Among those who recognized that a chartered trading company was necessary to the handling of the Hudson Bay trade, there were differing opinions as to the specific role that the Hudson's Bay Company was to perform. These differing opinions were directly related to debate on the obligatory nature of both the Company's perceived role in the Hudson Bay trade and its charter of incorporation. As noted in the second chapter, critics of the Hudson's Bay Company had suggested that the charter, and the monopoly of trade that had been granted, had been voided by the Company's policies and behavior.

Interpretations that the charter had been, or could be, voided have implications beyond a discussion of the perceived legality of the charter. While these interpretations of obligation - whether or not the Company was to trade, or settle the territory - appear to have been completely opposed to each other, closer examination reveals that the focal issue was that of determining the priorities of Hudson's Bay Company policy.

Opponents' views of the role of the Hudson's Bay Company centred on settlement, or colonization, of the Hudson Bay region. Matters such as international diplomacy, development of trade, and evangelism were deemed to be, at best, of secondary importance. Calls for colonization were made most frequently by the NWPA, but also appeared inadvertently in testimony given before the Select Committee in 1749. The NWPA argued settlement of Hudson Bay to be crucial to the further development of the trade.[25] In their Short Narrative pamphlet in 1749, the NWPA stated that "it will be a Public Benefit to settle those Countries," but they did not elaborate on just what would be the specific benefits to Britain.[26] There was little in the pamphlet literature produced by the NWPA to outline what the objectives of settlement were, or if this settlement should be on a voluntary or recruited basis. Belief that the Hudson's Bay Company had a part to play in the settling of British subjects in Hudson Bay, particularly within the Company's settlements, emerged in evidence given at the 1749 parliamentary investigation. Joseph Robson's testimony that "nor did he ever hear of any People desirous to fix there, or that the Company had even offered Encouragement to British Subjects to settle there" outlined his understanding that the Company had a role to play as a settlement agent.[27] The rationale behind the perceived mission to settle Rupert's Land was again not provided, and the questions of how and why this objective should be pursued were left unanswered. William Wansey, a Bristol merchant, believed that the role of the Company was to increase the Hudson Bay trade by settling colonies there.[28] Not until 1752, with Robson's Account of Six Years Residence in Hudson's Bay, were there any clues given to illustrate the emphasis that had been placed by the Company's opponents on settlement. In this work, Robson (and Dobbs) stated that "the climate within the country is very habitable. If the able poor or the convicts were sent thither, with suitable encouragement, they would very soon become happy themselves and useful to the public."[29] Such statements gave some explanation of the priorities of the Company's critics. The belief that settlement of the Hudson Bay region would contribute to the development and quality of the trade was clearly a secondary one. The first consideration, settlement, reflected the search for a means to relieve the pressure that was being applied to both the domestic economy and the institutions for social relief.[30] Robson and Dobbs believed that Britain's domestic situation could be eased by transferring the poor and criminal portions of the population to another British territory which was optimistically believed to be relatively unoccupied as well as suitable.

Subordinate amongst the priorities of the Hudson's Bay Company's opponents were the issues of international diplomacy, religious conversion, and the development of trade, and what role the Company was to play in the achievement of these objectives. Critics recognized only a limited role for the Company with regard to international politics and diplomacy, and these matters did not appear in the pamphlet or petition literature of the 1740s. Indeed, only one merchant, John Hanbury of London, suggested that the Company could serve successfully as a bulwark against the territorial interests of other nations.[31] For opponents of the Company to suggest a greater role in international political developments would be to undermine their own arguments against the need for a chartered company to handle the Hudson Bay trade since it would admit to a need for a recognizable presence in the area.

There was, likewise, little attention paid to the Company's role in improving the Hudson Bay trade once it was believed secure for British interests. In May 1749, the petitioners from Great Yarmouth declared that private traders could just as easily expand the trade as could the Hudson's Bay Company.[32] From the witnesses appearing before the Select Committee in the spring of that same year came the grudging admissions that the Company provided a useful service by managing, and retaining, the Hudson Bay trade from one year to the next, but that the Company could help and improve the trade by encouraging settlement of the region.[33] Critics, however, believed that the role of the Company with regard to trade (if they were to play one at all) was to aid other British subjects in their efforts to trade with the Indians and explore the territory.[34] But none would admit that the Company had a responsibility to improve, or even contribute to, the trade, most likely because opponents understood clearly that such a stance would detract from the credibility of their calls for a free and open trade.

One function that was readily conceded by the Company's critics was the so-called civilization of the indigenous population. This objective was closely related to the settlement of Rupert's Land, if co-existence between the Indians and the Europeans was to be peaceful, productive, and trouble-free, and was therefore strongly advocated by former employees of the Company. Richard White testified to the Select Committee that the Hudson's Bay Company did not, and had not, attempted to "civilize" or educate the Indians in Hudson Bay.[35] And Matthew Serjeant believed that the Company made no effort to convert the Indians to English Christianity, while admitting that he had heard Indians pray in the French language, which presumed exposure to Catholicism.[36] Another former Company employee, Captain William Coats, who had made a number of trips to Hudson Bay in the period 1727-51, opined that "The Company is unpardonable in leaving such swarms of Gods people [ie. the Indians] in the hands of the devil, unattempted...."[37] Thus, a strong sense of religious mission was not perceived to be one of the purposes of the Hudson's Bay Company, at least not by all of the Company's critics nor the Company's London Committee. This argument did not generate much debate as to whether a chartered company was an instrument through which settlement and conversion could be accomplished. These issues could be considered and supported by the Company's opponents without weakening their arguments for an open trade. The argument that the Company also had economic and diplomatic roles to attend to would have the opposite effect on efforts to have the monopoly privileges of the Hudson's Bay Company eliminated.

At mid-century what did the Company perceive its role to be concerning its charter and North American territory? While certainly the Company considered settlement of the region an important factor, this was overshadowed by the Company's emphasis on trade. The Company also claimed a role for itself to operate almost as a branch of government by advocating certain interests over others, while giving virtually no attention to conversion as a function of the Company.

The debate over the primary function of the Hudson's Bay Company emphasized what historian E.E. Rich has loosely identified as "the conflict between fur trade and settlement."[38] Based on the provisions of its 1670 charter, in which the region was "reckoned and reputed as one of our Plantations or Colonies in America, called Rupert's Land", the Company perceived its role was to establish and manage a foreign trade for Great Britain's benefit.[39] In the 1748 pamphlet, prepared by a solicitor, Mr. Sharpe, on behalf of the Company, the Company's London Committee expressed a belief that they had received a charter of exclusive privilege from Charles II for two reasons: "for their Reward, and to encourage them to prosecute a Trade they had thus begun,..."[40] Later in the same pamphlet, the understanding of the Company's role was outlined, and it was centred around the Hudson Bay trade -- how it could, and needed to, be protected from the French, why factories needed to be maintained on a year-round basis, why settlement was impractical and had not been identified as a mandate in the 1670 charter.[41] Company decision-makers believed that settlement of an area and the prosecution of a trade for furs were incompatible objectives and only one, trade, had been explicitly stressed in their charter. The Company re-asserted this interpretation of its 1670 charter in its appeal to the House of Commons in May 1749, declaring that

> they are not blameable on account of there being no Colony established within the Limits of their Charter, since it is not what they had in View when the Charter was applied for; the Country discovered not being inviting enough to encourage any Persons to go and remain there

> without being paid for so doing:...[42]

The Hudson's Bay Company's London Committee likewise interpreted that certain activities fell beyond the parameters of their charter mandate, particularly the provision of assistance to non-Company explorers and potential private traders and the pursuit of evangelical activities among the Indians. Neither of these issues were considered in the Company's pamphlet or its petition to the House of Commons. The omission of the latter issue, evangelism, from Company documents has recently produced the interpretation by P.C. Newman that, after 1693, "the notion of spreading Christianity to the natives or anyone else remained a dead letter. From the very outset, the whole business of the Company was business, not the dissemination of the British way of life or the proclamation of the gospel of Christ."[43] This interpretation, by P.C. Newman, of the London Committee's comprehension of the Company's role may likely be accurate, yet it does not take into account the understanding of this issue by the employees who actually served in the forts at Hudson Bay or navigated the surrounding coasts and had stated a belief in the Company's evangelical responsibility.

The Company's London Committee also believed that the role ascribed to them by Charles II had been to act as an arm of the government. This sentiment was expressed by the Company in its 1749 petition to the House of Commons, in which the Company claimed that it traded on behalf of, and as a representative of, Great Britain.[44] This interpretation of the Company's mission, by the Company, was echoed by historians during the 1930s and 1940s, such as Robert Pinkerton, A.S. Morton, and Douglas Mackay, but has since fallen into abeyance.[45] Thus, the Company conducted its business of trading in Hudson Bay, without notable efforts at settlement, evangelism, or offers of assistance to other British subjects, confident that this was the mandate specified in 1670 by Charles II.

Debate on the role of the Hudson's Bay Company in handling foreign trade appeared, on the surface, to question the need for chartered trading companies in general. Digging below this argument has revealed that there was little discussion of the perceived need for chartered companies. The debate was really a difference in interpretation of priorities, in which some individuals were more cautious or skeptical concerning monopolies and, therefore, believed that they should exist for a limited time only and accomplish more than the mere establishment of a trade. Those who advocated monopolies and chartered companies more readily emphasized a trading role for these companies for as long as this should prove feasible.

If it was agreed, to some degree, that monopolistic companies were necessary to secure new foreign trade markets, it is logical to inquire into the perceptions held of a company's fulfillment of its role. In mid-eighteenth century

Britain there was a clear distinction made between critics of the Hudson's Bay Company, and the Company itself and its supporters, concerning responsibility to fulfill specific functions. The beliefs of the first group, the critics, were that the Company had to perform prescribed duties in order to retain its charter privileges. Was the interpretation put forward by the Company's London Committee directly the opposite of this criticism, or was this another instance of differing degrees of one interpretation.?

Eighteenth-century critics of the Hudson's Bay Company believed, and stated this belief clearly, that the Company had specific obligations incumbent upon it if it was to retain its charter and privileges. While the charter legality debate had raised the issue of the voidability of a royally-granted charter, discussion of charter obligations paralleled perceptions that were held concerning the role of the Company. These critics perceived the obligations of the Company to be northwest passage exploration, settlement of the Hudson Bay region and, thirdly, the prosecution of the Hudson Bay trade. Charges that the Company had not sincerely attempted exploration, particularly for a northwest passage, dominated the pamphlets and petitions produced in the 1740s, with the interpretation and efforts of Arthur Dobbs at the fore of this written assault. As early as 1744 Dobbs charged, in An Account of the Countries, that the Company had not met the intention of its grant (as he understood it), "which was chiefly to encourage them to find out the Passage North-West to the Western Ocean...This they have...neglected to do,..."[46] Dobbs also intimated that no exploration had been undertaken by the company since it did not view itself having to be accountable for its conduct.[47] By 1749 Dobbs was working in conjunction with the NWPA, and together they questioned the Company's efforts in applying itself to its charter obligations:

> is it not evident, that it [the 1670 charter] was granted to the Company to encourage them to find out the Passage to the South-Sea...Were not these the express Terms and Intent of the Grant?
>
> Doth it appear, since that Time, that they have fulfilled any of these Terms? Have they done any thing effectually to discover the Passage to the Southern Ocean; or can they yet ascertain, by authentic Charts or Journals, that there is no Passage?... if they have none to produce, it is surely a Demonstration they have made no such Search.[48]

The NWPA maintained that the Company had an obligation to search for a northwest passage, but presented themselves as willing to let the Company defend its efforts by making public any relevant documentation. In its Short Narrative pamphlet, also published in 1749, the NWPA had narrowed its interpretation of the Hudson's Bay Company's exploration obligations to a blunt statement of attack.[49] The NWPA and the merchants of the cities of London, Glasgow, Liverpool, and Bristol had also intended to attack the Company's apparently inadequate efforts at exploration, and on the matter of the assistance that was generally not offered to other British subjects who would explore for a northwest passage.[50] By the time Edward Umfreville, a former Company employee, produced his work on Hudson Bay and the Company, interpretations of the Company's responsibility for exploration had been modified. In 1790 Umfreville presented a sweeping argument and claimed that the Hudson's Bay Company was obliged to explore all of the territory, inland as well as coastal, that had been granted to it by Charles II.[51] The criticisms levied by Dobbs, alone and in conjunction with others, against the Company coupled with inadequate effort and a perceived refusal to assist others in northwest passage exploration was eventually extended to include all of the Company's efforts at exploration and navigation.

By the late 1740s, Dobbs would interpret any Company effort to be inadequate, and a failure to fulfill charter obligations, that did not result in the discovery of a navigable northwest passage. References in the petitions to the House of Commons in April-May 1749 were less frequent and strident than they had been in the pamphlet literature concerning the Company's obligation to explore for a northwest passage. The merchants of Lancaster charged that "the Company have never made any real Attempt to discover such new Passage;..."[52] The criticisms of the merchants of Bristol and Great Yarmouth echoed those that emanated from Lancaster.[53] The people of the industrializing and port cities of England demonstrated, by comparison to the NWPA, only moderate criticism of the Hudson's Bay Company's efforts to find a viable northwest passage. From this it can be inferred that the merchants, who dominated the petitions to the Commons in the spring of 1749, were more interested in gaining access to the Hudson Bay trade that they knew existed rather than chase after tales of the easy and glorious trade that was expected if, and when, a northwest passage should be discovered. And so these men channeled their energies accordingly.

Critics of the Hudson's Bay Company devoted considerably less effort and attention to the Company's responsibilities for settling the Hudson Bay region and expanding this trade than they did to the issue of northwest passage exploration. These criticisms were handled in greater detail by the NWPA in their pamphlets than in any of the petitions presented to the House of Commons, reinforcing the interpretation that the real source of the attacks on the Company was Arthur Dobbs.

The 1749 pamphlets of the NWPA were heavily influenced by Dobbs' perceptions of the Company, claiming that the Company had failed to meet two other responsibilities within its charge: those of settlement and expansion of trade. In A Short Narrative, the NWPA maintained that the Company had been directed to settle the lands granted to it in Hudson Bay "in a limited Time."[54] Detracting from this argument pursued by the NWPA was the fact that the limited period of time was not specified at any point in this, or any other, pamphlet. This belief, as expressed by the NWPA, neatly supported their interpretation that the Company's charter was not valid as it had been made a grant in perpetuity. Dobbs and the NWPA held there should be a specific time limit set on both the duration of privileges and the fulfillment of charter obligations. The presentation of this interpretation was, however, an isolated phenomenon.

In the joint petition, of the NWPA and merchants of four cities, appended to A Short Narrative, reference was made to the condition of settlement believed to have been imposed on the Company,[55] but no mention was made of the period during which this was to be achieved. In a second pamphlet, A Short State of the Countries, the NWPA repeated the more limited charge that the Hudson's Bay Company had not met the terms of settlement which they believed were outlined in the 1670 charter, nor had the Company permitted others to undertake this task.[56]

Merchants' petitions to the House of Commons in April-May 1749 presented a definite contrast to the pamphlets produced by the NWPA. The contents of these petitions were less specific concerning the Hudson's Bay Company's responsibilities. Merchants from Great Yarmouth petitioned that the Company had not met the conditions of their charter and had listed "settling Colonies" as the Company's second obligation.[57] Interpretations presented in petitions from

Lancaster and Bristol merchants were even more vague, claiming that settlement of Hudson Bay was one of "the great Ends designed by granting the said Charter" that had not been effectively attempted by the Hudson's Bay Company.[58] Arguments that the Hudson's Bay Company had neglected to fulfill its charter duties were developed less convincingly in the petitions that were presented to the House of Commons in the spring of 1749 than in the NWPA's pamphlets from the same period. The NWPA, under the strong influence of Arthur Dobbs, clearly led this movement which advocated that charters had obligations,[59] that the Hudson's Bay Company had not fulfilled its obligation of settlement and had, consequently, invalidated its charter and corresponding privileges.

A small number of the Company's critics also charged that it had not addressed its obligation to extend trade in the Hudson Bay region. This branch of the argument of the contractual nature of the 1670 charter was, surprisingly, least well developed in the petition literature of spring 1749. Only the Lancaster merchants included, as one of their grievances against the Company's monopolistic charter, that the Company had failed to extend its trade geographically or in annual currency value, as well as refusing to assist other British subjects in their efforts to trade in Hudson Bay.[60] In contrast, the NWPA charged more consistently that the Hudson's Bay Company had failed to meet its obligation to increase trade. Belief that the Company had not met the trade terms of its charter was expressed in both of the pamphlets being considered in this discussion.[61] Charges that the Company had not expanded its trade were the most difficult for critics to make and sustain, as the Company could, if so inclined, produce records of imports and exports, and journals of related travel. Awareness of this possibility made critics, particularly the NWPA, wary of laying more sweeping charges of failure to expand trade against the Company.

The notion that the Hudson's Bay Company had to meet certain conditions in order to retain its charter, largely developed and argued by Arthur Dobbs, has been readily incorporated by historians in studies of the Company, along with the other myths discussed above. In one of the earliest histories of the Company, Beckles Willson wrote in 1899 that the Hudson's Bay Company was obliged by its 1670 charter to explore for a northwest passage.[62] This emphasis on exploration by the Company was also made by Robert Pinkerton in his 1931 study of the Company, A.S. Morton in 1939, and George Woodcock as recently as 1970.[63] The durability of Dobbs' eighteenth-century commentary is remarkable in light of the evidence and his strangle hold on interpretation of the Company's responsibilities has proven difficult to break. Indeed, revision was not convincingly attempted until E.E. Rich produced a multi-volume history of the Company in 1958-59, in which he argued persuasively that the Hudson's Bay Company's charter outlined rights and privileges, but not duties or obligations to explore or settle the territory granted to it.[64] By the 1970s and early 1980s, Glyndwr Williams' work on the Company suggested that historians had finally dispensed with the interpretation of charter obligations to colonize as well as explore, as these issues were not discussed by Williams as anything other than Dobbs' attacks on the Company.[65] Yet the interpretation of obligations included in the 1670 charter has recently been revived by Peter Newman, though he has shifted the emphasis from exploration to colonization.[66] If these histories of the Company have presumably been written with access to the Company's archival material, how well or accurately do these works compare with the Company's views of its privileges and obligations? What were the beliefs of Company employees, and of Charles II?

Throughout the parliamentary investigations during spring 1749, the Hudson's Bay Company admitted that it had responsibilities outlined in its charter, but these only related to the Hudson Bay trade. Neither the Company's London Committee, nor its solicitor Mr. Sharpe, perceived any obligation to settle the region granted it, nor explore and navigate along its westward coasts. In attempts to bolster this interpretation of its mission, the Company made repeated references to the clauses of its 1670 charter. In its petition to the House of Commons, 1 May 1749, the Company maintained that the objective and, by extension of their argument, obligations of the Company were, in fact, singular: "That the Petitioners conceive, that they have fully answered the Ends of their Charter, by carrying on the Trade...by establishing Factories, and building Forts...for the Convenience of their Trade with the Indians, and protecting it from the Attacks of any European Natives, or of the Indians;..."[67] This belief was also asserted in the pamphlet of self-defence that was circulated to all MPs, stating that the Company was to establish and prosecute a trade in Hudson Bay; further, it was insisted upon in this pamphlet that the Company's charter provided encouragement, not duties, and had been granted as a form of remuneration for earlier efforts.[68]

The London Committee understood foreign trade to be the prime directive in the Company's charter and that contributions in other matters, such as exploration and settlement, would be accepted and appreciated, but were not requisite. The Company's decision-makers appear to have been ambivalent as to whether or not it was obliged to undertake exploration,[69] but this also reflects an interest in extending the available market without losing money on repeated expeditions. The Company's hesitancy towards exploration reflected its business policies and efforts to turn a profit, but could not be equated with a willful disregard for the instruction of the charter. Comprehension, by the London Committee, of the issue of settlement of Hudson Bay was unequivocal. The Company maintained that colonization of the territory granted was not one of the reasons "they had in View when the Charter was applied for;..."[70] This argument had its foundation in the clause of the 1670 charter which declared that the region would only be reputed to be a colony but was not considered as such in reality.[71] Charles II had, thus, initiated the interpretation made by the Company's London Committee that settlement of the region was neither considered nor explicitly encouraged by the charter. Charles II had proclaimed two duties that the Hudson's Bay Company had to fulfill: "Faith and Allegiance [are] due and to be performed to Us" and a token annual payment of "Two Elks, and Two Black Beavers, whensoever, and so often as We, Our Heirs and Successor, shall happen to enter into the said Countries, Territories, and Regions hereby granted."[72] Charles II and the Hudson's Bay Company, in 1670, understood the Company to have one real, and two largely symbolic, obligations for retaining their charter privileges, and did not consider exploration or settlement of the region, to be Company duties.

There was a strong relationship perceived, by some, to exist between obligatory behavior by a company and the retention of its exclusive charter of privileges. Vocal critics rejected the idea that the provisions of the 1670 charter were rewards and incentives and, instead, argued that the Hudson's Bay Company's charter was a contract. It was believed to be both insufficient and unacceptable that the

Company be permitted to hold its charter without conducting its business to the economic benefit of Great Britain and contributing to the development of a colonial empire. The London Committee perceived the Company to be an instrument of royal policy as a whole, not the tool of a more restricting monopolistic charter. While it is simple to regard these differences in perception of charter obligations as merely two readings of the avowed intent of the charter, the debate of the 1740s and early 1750s seized on these differences for particular purposes. By arguing that the Company had specific responsibilities which it had not met, critics, notably the NWPA, bolstered their argument that the Company's charter had been voided by negligence.

A third philosophical assumption of royally-chartered companies, and their exclusive privileges, addressed the mythology surrounding monopolies. Though great caution needs be exercised, careful examination of the language employed in the debate of the 1740s can make a significant contribution to our understanding of how monopoly companies were perceived in mid-eighteenth-century Britain. From this rhetoric there developed two branches of study: a tradition of English liberty and the Stuart stigma that was associated with the Hudson's Bay Company monopoly in the mid-eighteenth century.

Interpretation of the liberty of individual Englishmen pre-date, by centuries, the 1749 parliamentary inquiry into the activities of the Hudson's Bay Company.[73] By the mid-eighteenth century, accepted views of a mythology of liberty and individual rights had undergone few serious modifications since 1215. In discussion of sixteenth-century monopolies in England, David Sacks argued that monopolies were understood to deprive people of both liberty and livelihood, were evil and unjust entities, and were interpreted as being an unlawful state action against the birthright of English subjects.[74] W.R. Scott presented similar beliefs which had been expressed in the sixteenth and seventeenth centuries in his multi-volume work The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720. Scott articulated the view that the monopolies of joint-stock companies were believed to confound the initiative of individuals, as well as the belief of people in the sixteenth century that the efforts of the House of Commons protected individual liberty from monarchs who would act arbitrarily, rather than in consultation with parliamentary ministers, such as Elizabeth and her successor, James I.[75] This understanding of a negative relationship between the liberty of Englishmen and the continued existence of monopolies was asserted and became a focal point in debates pertaining to chartered companies, especially trading companies, during the middle decades of the eighteenth century.

In his 1744 essay on foreign trade, Matthew Decker opined that monopolies were not only hurtful to individual rights of liberty and livelihood but were also morally repugnant in their promotion of idleness and corruption.[76] Similar understanding of the relationship between monopolies and individual liberty emerged at Westminster in a 1744 House of Lords debate on a Levant trade bill. Both the Duke of Bedford and Lord Sandys believed that the then current outcry against monopolies was due to belief that these companies made "immoderate profit,"[77] which was denied to most English subjects. During the same debate, Viscount Lonsdale maintained that these companies were unjust, inconsistent with the public good and, thus, harmful to individual freedom and liberty.[78] This line of argument was continued in a 1750 Lords debate on a fishery bill, during which the Earl of Winchilsea argued that chartered trading companies did not utilize their profits in ways that benefitted all subjects but only themselves.[79] Earl Granville also questioned the likelihood of a company conducting a foreign trade with "honesty, diligence, and public spirit" that would serve British subjects.[80] Lord Sandys continued to express his opposition to chartered companies and concurred with Decker's interpretation that companies more often than not had a ruinous effect on the lives of individuals, particularly orphans and widows.[81] The traditional mythology used in argument against monopolistic companies was predominantly moral in its foundation, stressing as it did the right to earn a living and the freedom of individuals to exercise, and act according to, their own will. This general discussion focussed decreasingly on the part played by the monarch in protecting individual liberty, and concentrated increasingly on the profits the companies made that were not redistributed throughout society. While interpretations of the earlier centuries had included the arbitrary actions of the monarch in the curtailment of individual liberty, this was not included in the general rhetoric and discussion of monopolistic trading companies in the mid-eighteenth century.

Criticism of the Hudson's Bay Company during the 1740s and 1750s drew substantially on this anti-monopolistic mythology, yet also incorporated specific ideological elements into the argument as well. The Company's critics skillfully combined natural rights, patriotism, and a rather particular understanding of individual liberty which contributed to change the mythology that surrounded chartered trading companies like the Hudson's Bay Company. In the middle decades of the eighteenth century, the Company's monopoly did not escape such criticism and was also believed to restrict, and possibly destroy, the liberty of individual British subjects. Most remarkable during this period were the efforts of the Company's critics to develop a persuasive link between the Company and despised Stuart monarchs of the late seventeenth century that would spread intense hostility toward the Company among the general British populace, which the Company could do little but ignore. This argument represented a cogent association of ideas in the political debate.

As with general opposition through the centuries to chartered trading companies and their effect on individual liberty, so too did the Hudson's Bay Company's critics claim that its monopoly was infringing on the right of British subjects to pursue the livelihood of their choice. Arthur Dobbs declared in 1744 that all British merchants had a natural right to participate in the Hudson Bay trade and that the Company was literally robbing each merchant of this right.[82] This argument was made again in 1749, by Dobbs in association with the NWPA, as well as by merchants and traders from London; indeed, the latter group believed that their right to trade could be taken from them only by Parliament.[83] The interpretation of the House of Commons as the defender of the liberty of individual Englishmen was successfully revived from the early modern period of England's history, which strengthened the critics' charges that liberty and the right to choose, as one pleased, how to earn a living were part of the birthright of all English subjects. More specific charges were made by the Company's critics concerning the means by which the Hudson's Bay Company was able to exclude others from its trade, or from inquiring about it. This was attributed to secrecy, evasion, and corruption by the Company. Arthur Dobbs and the NWPA were prominent in making accusations that the Hudson's Bay Company concealed information pertaining to Hudson Bay's climate, trade, and adjoining countries, as well as northwest passage navigation.[84] Dobbs' associate, Joseph

Robson, claimed that the Company had its own, secret reasons for not having done certain things, including informing Britain of the treasures that existed in Hudson Bay,[85] which were accessible to only a few employees and Company subscribers and denied to the majority of people.

Critics of the Company also asserted that every aspect of its policies and behavior were in conflict with public morality. In 1744, Arthur Dobbs claimed that the Company made a "monstrous [annual] profit," which was affirmed by the testimony of merchant John Tomlinson before the Select Committee in 1749.[86] Still other critics maintained that the Company obtained its profits through dishonourable means. According to Dobbs, the Company had "corrupted" Captain Christopher Middleton while he was in the Company's employ.[87] The NWPA charged that the Company was prone to providing false affidavits if these were to be seen by the general public or potential rivals in the trade.[88] Joseph Robson asserted that the Company's indefensible management methods had been carried over to Hudson Bay, as well as being employed in London, and that the governors of individual factories treated the Company's servants cruelly and oppressively.[89] The mythology that had developed in relation to the Hudson's Bay Company was that excess and exclusivity were unacceptable to the majority of people who only suffered while the Company, and others like it, profited at their expense. Though claims of excessive profit made by the Company were not well substantiated by the

Company's critics, such an argument agreed readily with the theoretical case against the practice of chartered monopolies.

The most remarkable of the philosophical and prejudicial criticisms levied against the Hudson's Bay Company were the ideological links that were fostered and promoted by the Company's opponents. This modification of the mythology that surrounded monopolies centred on the stigma that was connected with all things that the Restoration monarchs Charles II and James II had created or encouraged. Thus, charges of absolutism, Catholicism, and lack of patriotism were made against the Company.

Critics argued that the Hudson's Bay Company was unpatriotic. This deduction was achieved by asserting the patriotic and loyal beliefs and behavior of the Company's opponents. Henry Ellis, a supporter of the efforts of Arthur Dobbs, claimed in 1748 that Dobbs' "zeal for the public, and a laudable concern for the Glory of the British nation" were the motivation behind Dobbs' attacks on the Hudson's Bay Company.[90] The NWPA similarly maintained that the Company's behavior was unpatriotic and subversive.[91] Arguments claiming the Company's trade was disloyal to Britain had crystallized by 1790, when Edward Umfreville wrote of "the patriotic Mr. Dobbs" and associated open trade with "a patriotic administration."[92] By this logic, Umfreville castigated both the Hudson's Bay Company and the Pelham administration (1743-54) for not ending the Company's tyrannical destruction of British trade.

Critics of the Company extended the reasoning of their attacks to argue that if the Company was not a loyal organization, having the interests of Britain and her subjects always in mind, then it was believed to be dangerous to liberty, largely by virtue of its absolutist nature. The Company was presented by critics as a remnant of James II's attempts to subvert England's constitution, an interpretation which rested on the fact that James, while Duke of York, had been the second governor of the Company.[93] In a similar manner, the Hudson's Bay Company would operate, therefore, to destroy individual liberty. The association between the Hudson's Bay Company and Catholicism was first articulated by Arthur Dobbs in his 1745 pamphlet A Reply to Capt. Middleton's Answer to his Vindication of his Conduct. At this time, Dobbs declared that Company service was "Jesuitical."[94] In 1749, during the parliamentary inquiry into the Company's activities, the NWPA did not include this perspective in it attacks on the Company, preferring to focus instead on the legality of the Company's charter. Former employees of the Company criticized it for being an irreligious entity, an argument which stemmed primarily from the absence of clergy and regular religious services at the factories in Hudson Bay.[95] Support for this interpretation of the impious nature of the Company was increased by the fact that the Company's

London Committee had done nothing to amend this policy for nearly eighty years. Charges about the Company's Catholicism were, however, a secondary argument derived from its perceived absolutist tendencies. Claims were made that the Company, and its factory governors in Hudson Bay, were "absolute and unchangeable" and conducted the trade in an unaccountable fashion.[96] Matthew Serjeant testified before the Select Committee in 1749 as to "the arbitrary will of the Governor" in determining Company policies.[97] The perception was that they recognized no authority but their own, and that the Company paid no heed to the interests of the state of the rights of individual Britons. Critics tried to draw on the behavior of James II, not his brother Charles II who had created the Company, to assert the abusive, absolute, and secretive nature of the Hudson's Bay Company and its potential to destroy the recently-reclaimed liberty of both the state and its subjects.

In mid-eighteenth century Britain there were few discussions about chartered companies which included completely hostile arguments. The debate surrounding chartered monopolies was, instead, centred on Britain's specific trade and colonization needs, and what role these companies were to play in meeting the needs of the state. Moral and ideological interpretations had little place in these debates over chartered monopolies which were dominated by concerns of the economic and diplomatic functions that such companies could fulfill. Opponents of chartered companies concentrated their efforts on individual liberty and rights to livelihood that monopolistic companies generated by their exclusiveness.

This general evaluation of chartered companies parallels, to a considerable extent, those made of the Hudson's Bay Company. Advocates of the Company displayed only slight disagreement as to its specific functions, while critics of the Company argued that it had willfully disregarded its ascribed role and obligations. The Company's critics had made sophisticated use of the person and brief reign of James II, and the subsequent rescue of England through the 1688-89 Glorious Revolution, to modify the traditional interpretation of the harmfulness of monopolies. Application of this strategy had produced an extreme argument based on fear and, in so doing, critics like Arthur Dobbs and the NWPA were able to propagate a myth that the Stuart element of the Hudson's Bay Company made its monopoly palpably more dangerous than chartered companies had previously been perceived.

Unlike the Hudson's Bay Company, other chartered companies were not attacked and criticized during the 1740s and early 1750s as being tainted by the stigma of the post-Restoration Stuart monarchs. Other companies, such as the Royal African and the Levant, were understood to restrain individual freedom by their exclusive nature, but this was not associated with Stuart tyranny. Rather, these moral criticisms followed the sixteenth and seventeenth century perceptions of the detrimental effects of monopolistic companies. In debate surrounding chartered monopolies in the mid-eighteenth century, most arguments focussed on the state of trade, both in Britain and abroad. This perception that limitations on trade were responsible for declining foreign trade and export of British manufactures precluded discussion of the more philosophical and legal considerations which had been prominent in the debate that had surrounded the Hudson's Bay Company. This distinction is especially notable in the face of the elasticity of anti-monopolistic myths in early and mid-eighteenth century extra-parliamentary literature.

ENDNOTES

1. C. MacLeod, Inventing the Industrial Revolution: the English patent system, 1660-1800 (Cambridge, 1988), 20.

2. T. Keirn, "Daniel Defoe and the Royal African Company," Historical Research, 61 (1988), 244. T. Keirn, "Disputes Concerning Commercial and Industrial Monopoly in English Economic Discourse, ca. 1660-1750" (April 1990), 44. Keirn focusses particularly on the Royal African Company (chartered in 1672) in this paper.

3. Parliamentary History, xiv. 765.

4. Ibid., xiv. 566. Contrast this petition from Liverpool merchants with Trevelyan's interpretations on the 1712-14 period: "The Africa Company had been driven to the verge of ruin by free-traders, but the Hudson's Bay, the Levant and the East India Companies each maintained the privileged position its needs required. Experience had persuaded Parliament and public opinion that merchants trading on distant coasts, beset by foreign foes and rivals from Europe, and in the face of unreliable native potentates, could thrive only if they were closely organized in a Company with a strong policy of its own, and with its own stations, armaments and administrators in parts of the world beyond the reach of the arm of the English state." - G.M. Trevelyan, England Under Queen Anne (3 vols., separately titled, London, 1930-34), iii. 150.

5. Parliamentary History, xiii. 949.

6. Letter from Sir Charles Wager to Arthur Dobbs, 4 March 1737; printed in Gentleman's Magazine, 14 (February 1744), 83.

7. Decker, Decline of Foreign Trade, 72.

8. Parliamentary History, xiii. 949.

9. Ibid., xiv. 765-66.

10. Ibid., xiv. 772.

11. Report from the Committee, 53, 55, 57, 59. John Hanbury's involvement with the American trade has recently been identified to have been concerned primarily with the Chesapeake area. - A. Olson, "Coffee House Lobbying," History Today, 41, 1 (1991), 40.

12. Parliamentary History, xiii. 949. The Earl of Sandwich did not distinguish whether these charters of incorporation should be granted by Parliament or the King.

13. Report from the Committee, 53.

14. Ibid., 21. Serjeant did not refer directly to the buildings that were being constructed and used by the Company in its conduct of the Hudson Bay trade.

15. Parliamentary History, xiv. 772.

16. 1 May 1749, Commons Journals, xxv. 852.

17. Parliamentary History, xiii. 949.

18. Ibid., xiv. 565.

19. Ibid., xiv. 772.

20. Bristol, 12 April 1749, Commons Journals, xxv. 826; Great Yarmouth, 1 May 1749, Commons Journals, xxv. 850.

21. 1 May 1749, Commons Journals, xxv. 850.

22. Parliamentary History, xiv. 565.

23. 10 March 1748, Commons Journals, xxv. 777. In his article on the Royal African Company in the early eighteenth century, Keirn argues that the granting of monopoly privileges was

necessary to the development of extraordinary defence and diplomacy. - T. Keirn, "Daniel Defoe and the Royal African Company," Historical Research, 61 (1988), 244.

24. Report from the Committee, 54.

25. A Short State of the Countries, 21.

26. A Short Narrative, 13.

27. Report from the Committee, 6.

28. Ibid., 57.

29. Robson, Six Years Residence, dedication, iv.

30. For some discussion of this, see R. Porter's English Society in the Eighteenth Century, revised edition (Harmondsworth, 1990), esp. ch. 4.

31. Report from the Committee, 54.

32. 1 May 1749, Commons Journals, xxv. 850.

33. Report from the Committee, 21, 57.

34. This purpose was articulated by the NWPA in 1749 (in A Short Narrative, Appendix II, 25) and by H. Ellis in 1748 (see Voyage to Hudson's Bay (London, 1748), 150).

35. Report from the Committee, 15-16.

36. Ibid., 17-18.

37. Coats, Geography of Hudson's Bay, 34.

38. E.E. Rich, "Russia and the Colonial Fur Trade," Economic History Review, second series, 7, 3 (1955), 309.

39. Report from the Committee, Appendix I, viii.

40. Case of HBC, 1.

41. Ibid., 3.

42. 1 May 1749, Commons Journals, xxv. 852.

43. P.C. Newman, The Company of Adventurers, 90.

44. 1 May 1749, Commons Journals, xxv. 851-52. This claim was strengthened by international recognition of the Hudson's Bay Company, in the Treaty of Utrecht (1713), as holding and managing territory in British interests.

45. Pinkerton spoke of the Hudson's Bay Company as having been "hatched beneath the throne," thus making it a branch of executive government. - R.E. Pinkerton, Hudson's Bay Company (Toronto, 1931), 13. Mackay wrote of the Company's "imperial purpose," suggesting that it was to function of behalf of government while helping the government to defray costs. - D. Mackay, The Honourable Company, revised edition (Toronto, 1949), 80.

46. Dobbs, An Account of the Countries, 159.

47. Ibid., 158.

48. A Short State of the Countries, 9-10.

49. A Short Narrative, 7.

50. Ibid., Appendix II, 26. It should be remembered that this petition did not reach the House of Commons as intended, but instead reached a wider audience as an appendix to this pamphlet.

51. Umfreville, *Present State of Hudson's Bay*, 107.

52. 11 April 1749, *Commons Journals*, xxv. 822.

53. Bristol, 12 April 1749, *Commons Journals*, xxv. 826; Great Yarmouth, 1 May 1749, *Commons Journals*, xxv. 850.

54. *A Short Narrative*, 7.

55. *Ibid*., Appendix II, 26.

56. *A Short State of the Countries*, 9-10.

57. 1 May 1749, *Commons Journals*, xxv. 850.

58. Lancaster, 11 April 1749, *Commons Journals*, xxv. 822; Bristol, 12 April 1749, *Commons Journals*, xxv. 826. The Bristol petition did not actually specify what were believed to be the conditions of the 1670 charter.

59. In 1744, Matthew Decker had argued that the East India Company's charter contained obligation clauses for contracting it to export minimum quantities of specific goods, suggesting that a chartered company was accountable to Parliament for its conduct of trade. - Decker, *Decline of Foreign Trade*, 23.

60. 11 April 1749, *Commons Journals*, xxv. 822.

61. *A Short Narrative*, Appendix II, 26. *A Short State of the Countries*, 9.

62. B. Willson, *The Great Company* (Toronto, 1899), 211.

63. R.E. Pinkerton, *Hudson's Bay Company* (Toronto, 1931), 80. A.S. Morton, *A History of the Canadian West to 1870-71* (London, 1931), 56-7. G. Woodcock, *The Hudson's Bay Company* (New York, 1970), 78.

64. E.E. Rich, The History of the Hudson's Bay Company 1670-1870 (2 vols., London, 1958-59), i. 56.

65. G. Williams, The British Search for the Northwest Passage in the Eighteenth Century (London, 1962), esp. chs. 2 and 5. G. Williams, "The Hudson's Bay Company and its Critics in the Eighteenth Century," Transactions of the Royal Historical Society, fifth series, 20 (1970). G. Williams, "Highlights of the First 200 Years of the Hudson's Bay Company," The Beaver, 301 (1970, reprinted 1976).

66. P.C. Newman, The Company of Adventurers (New York, 1985), 89, 233. The matter of northwest passage exploration has here been relegated to 1740s critic Arthur Dobbs' interpretation only. Newman has, however, attempted to resurrect the argument that the Company must behave in accordance with its charter provisions by stating that a recent Company decision to end the sale of furs (which he believes incumbent on the Company by its charter) means that the Company is consciously refusing to comply with charter directives and should, therefore, surrender its charter. - "Revoke charter from The Bay, says Newman," The Edmonton Journal, 1 February 1991.

67. Commons Journals, xxv. 852. Company employees had a slightly differend understanding of what their obligations were. In 1743, Captain Christopher Middleton identified an employee's responsibilities to be first to the Company and then to the King. Joseph Robson endorsed this view in his 1752 book, although he disapproved of this ordering of responsibilities. - C. Middleton, A Vindication of the Conduct of Captain Christopher Middleton (London, 1745), 47. Robson, Six Years Residence, 38.

68. Case of HBC, 1.

69. Ibid., 2.

70. 1 May 1749, Commons Journals, xxv. 852. In the self-defence pamphlet the argument was made again that voluntary settlement was impractical given the climate of the region. - Case of HBC, 3.

71. Report from the Committee, Appendix I, vii.

72. Ibid., Appendix, viii, xii. Newman, in 1985, referred to the payment of elk and beaver skins as "a bit of Restoration hokum." - P.C. Newman, The Company of Adventurers (New York, 1985), 90.

73. In a recent paper on monopolies in sixteenth- and seventeenth-century England, David Sacks referred to appeals made to the enshrinement of individual liberty in the chapters of Magna Carta. Also, in an introduction to an eighteenth-century pamphlet discussing then present and past liberty, H.T. Dickinson asserted that a tradition of English liberty was often "traced back to a Saxon or Gothic past." - John, Lord Hervey, Ancient and Modern Liberty Stated and Compar'd, introduction by H.T. Dickinson (Los Angeles, 1989; originally published 1734), vi. Cf. D.H. Sacks, "Office and Calling: The Problem of Monopoly in Early Modern England" (April 1990), 7.

74. D.H. Sacks, "Office and Calling: The Problem of Monopoly in Early Modern England" (April 1990), 6-12, 20, 31.

75. W.R. Scott, The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720 (3 vols., Gloucester, Mass., 1968), i. 109, 123. Sir Edwin Sandys was particularly vocal (as early as 1604) concerning the inhibiting effect of monopolies on individual initiative.

76. Decker, Decline of Foreign Trade, 25-28, 37, 91.

77. Parliamentary History, xiii. 900, 912.

78. Ibid., xiii. 933.

79. Ibid., xiv. 767.

80. Ibid., xiv. 771.

81. Ibid., xiv. 778.

82. A. Dobbs, Remarks Upon Capt. Middleton's Defence (London, 1744), 60.

83. A Short Narrative, 13-4, Appendix II, 29. A Short State of the Countries, 24. 1 May 1749, Commons Journals, xxv. 850.

84. Dobbs, An Account of the Countries, 11, 159. A Short State of the Countries, 4, 9. Lancaster, 11 April 1749, Commons Journals, xxv. 822.

85. Report from the Committee, 8. Robson, Six Years Residence, preface, 6.

86. Dobbs, An Account of the Countries, 43. Report from the Committee, 52.

87. Dobbs, An Account of the Countries, 122. A. Dobbs, Remarks Upon Capt. Middleton's Defence (London, 1744), 11. Report from the Committee, 10.

88. A Short Narrative, 10.

89. Robson, Six Years Residence, 40.

90. Ellis, Voyage to Hudson's Bay, 275.

91. A Short State of the Countries, 9. A Short Narrative, Appendix II, 29.

92. Umfreville, Present State of Hudson's Bay, 3, 37. Desmond Clarke, Arthur Dobbs' biographer, concluded that Dobbs' consideration of Britain's colonial empire anticipated the work of Adam Smith. - D. Clarke, Arthur Dobbs Esquire, 1689-1765: Surveyor-General, Prospector and Governor of North Carolina (London, 1958), 202.

93. P.C. Newman, The Company of Adventurers (New York, 1985), Appendix Four, 341.

94. A. Dobbs, A Reply to Capt. Middleton's Answer to his Vindication of his Conduct (London, 1745), 47.

95. Report from the Committee, 30. Robson, Six Years Residence, 70, and Appendix, 52.

96. Robson, Six Years Residence, Appendix, 52. Dobbs, An Account of the Countries, 158.

97. Report from the Committee, 17. Contrast these efforts to end the Company's influence and power with the Walpole administration's use of threats of a Jacobite conspiracy to retain power and control of state machinery. - P.S. Fritz, The English Ministers and Jacobitism between the Rebellions of 1715 and 1745 (Toronto and Buffalo, 1975), esp. chs. 3, 6, 10.

CHAPTER FIVE

POSTSCRIPT

Popular perceptions of chartered monopolies, and their relationship with the state, had undergone considerable modification by the mid-eighteenth century. Belief that Parliament was the supreme authority in the constitutional framework of Britain was at the centre of such perceptions, and was anchored by philosophical and economic arguments. These last two elements were decidedly more developed than they had been in the previous two centuries, and even in the previous two decades. Given these considerations, how was the Hudson's Bay Company able to retain its charter and privileges of monopoly in the face of a sophisticated and diversified attack by would-be rivals and disgruntled merchants?

Criticism of the Company, led by Arthur Dobbs and the North West Passage Adventurers, was able to provoke only minimal response during the 1749 parliamentary investigation, but appears to have stirred the Company to increased activity in Rupert's Land. Critics were also able to garner the support of merchants, local officials, and some of the citizenry of a reasonable number of industrializing and port cities and towns. And the new interpretations applied to the Stuart monarchy's relationship with the Hudson's Bay Company by the leaders of this movement to overturn the Company's monopoly were made in the belief that this would only strengthen the attack and improve the chances of the Company's opponents achieving their objectives. The NWPA, which had alternately argued for an open trade and for a charter of monopoly for themselves from George II, suffered from inconsistency in its efforts to attain either of its stated objectives. Rather than concentrating their energies into one solid, detailed attack on the Hudson's Bay Company, critics instead seized on every possible alternative and eventually contradicted themselves in their arguments: for example, the original grant to the Company was void, yet it was also claimed that the Company had voided its grant by its policies and activities. Such confusion and inconsistency served only to undermine their charges in the opinion of Parliament and the Select Committee.

The efforts of the NWPA were not wholly meaningless. Their articulation of the impact of company trade on the British economy also revealed the contemporary perception that advances in navigation and foreign trade fueled each other. Debate on the Company's role disclosed the belief of the NWPA's Committee that Britain's empire should be one of colonization that served as a captive market for British manufactured products. This argument had been carefully structured by the NWPA. The NWPA's challenge to the Company emphasized the necessity of focussed leadership in extra-parliamentary movements which targeted Westminster and the machinery of government, and the increasing influence and importance of centres other than London, particularly Bristol, Liverpool, and even Glasgow.

It is less clear what the Hudson's Bay Company did to preserve its charter rights. During the 1749 inquiry the Company was accessible only through its solicitor and it continued to be reticent about its affairs. We need, therefore, to look to the decisions which parliamentarians made that affected the Company. In the unstable decade following the accession of William III it was considered necessary for the Company to secure Parliament's approval for its continued existence. 4 Anne, c.36 and 18 George II, c.17 indicated Parliament's unsolicited recognition of the Company's charter and privileges, and the creation of same, to be a legitimate and just use of the royal prerogative. Events of 1688-89 had curtailed the royal prerogative but had not eradicated it as the NWPA sometimes avowed. And while the NWPA had followed traditional procedure in petitioning the King in Council before targeting Parliament, this challenge to the Company can only be considered a symbolic attack on the prerogative power, highlighting as it did the constitutional uncertainty that continued to exist in this period.

Consideration of chartered monopolies has frequently and readily been an exercise in disparagement. And while the many failings of these companies have been itemized, with emphasis on the goods carried and the annual profits reaped, historians to date have not always recognized eighteenth century perceptions of the usefulness of chartered monopolies to the state beyond the theatre of trade. With the exception of the Royal African Company, it was believed that company-managed trade was generally able to absorb costs and risks that the government and private traders could, or would, not. Parliament was, as yet, unwilling to jeopardize this arrangement which coincided so neatly with its ideas of empire. Little work has been done to consider the significance of chartered monopolies in European diplomacy and peace negotiations. Eighteenth century international recognition of chartered companies, and their monopolies, affirmed belief in the viability and benefits of an empire founded on trade. Further study of chartered monopolies during the early and mid-eighteenth century will increase our comprehension of the period in general, while enabling historians to understand the decision-making process of the state concerning the retention and utilization of British chartered companies during the eighteenth and nineteenth centuries.

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